THE CMS FILES · INTELLIGENCE GATHERING · PUBLIC INTEREST INVESTIGATION
DESIGNED TO BE BROKEN SERIES · VOLUME 2 · THE ENFORCEMENT CHAIN

CHILD MAINTENANCE ENFORCEMENT REGIME

A Legal Analysis of the Complete Enforcement Chain

SUMMONS · LIABILITY ORDER · ARREST · IMPRISONMENT · HOME CHARGES · CREDIT RECORDS

FORGERY · FRAUD · FALSE IMPRISONMENT · HMCTS COMPLICITY · NO COURT AUTHORITY

FORMAL DEMAND FOR INDEPENDENT CRIMINAL INVESTIGATION

Child Maintenance Service · HMCTS · Marston Holdings · Equita · Named Officials

NOT MERELY UNLAWFUL. CRIMINAL.

CMS has created a parallel enforcement regime and has made that admission itself. DWP's own Central FOI Team confirmed the document served as a Liability Order is a CMS administrative template — not a court order. GLD confirmed in High Court proceedings that CMS served the summons, not the court. CMS enforcement officials stated on recorded calls entered as court evidence: "There are no court orders — they're memorandums."

Producing a document designed to be accepted as a court order when it is not is a criminal offence under the Forgery and Counterfeiting Act 1981. Making a false representation to extract money is a criminal offence under the Fraud Act 2006. Detaining a person under a void instrument is false imprisonment. The admissions are in writing. The instruments are in evidence.

SOURCED: DWP FOI2026/50177 p.7 · GLD Z2500859 para 8 · CMS recorded calls Exhibits CL2 and CL3

THE CENTRAL ADMISSION

"This is the only document that constitutes the order."

DWP Central Freedom of Information Team — FOI2026/50177 — 25 June 2026

FACT 1	CMS issues its own summonses from Plymouth. No justice of the peace authorises them. No court reference assigned. HMCTS provides administrative approval only. SOURCE: DWP FOI2026/50177 p.6
FACT 2	The Liability Order is a CMS administrative template — confirmed as the only document constituting the order. HMCTS officer Veer confirmed no order is on the court file. SOURCE: DWP FOI2026/50177 p.7 · HMCTS officer Veer email confirmation confirmation
FACT 3	The Secretary of State — the statutory applicant at every stage — does not appear by name in any enforcement document in any case examined. The Libra informant is CMS. The N379 claimant is CMS. The Statement of Truth names CMG. SOURCE: s.33 CSA 1991 · N379 anonymised case
FACT 4	The administrative LO regime that would lawfully authorise this process has never been commenced. CMS operates as though it exists. SOURCE: Andrew Western MP + Baroness Sherlock, March 2026
FACT 5	A charging order application examined in this analysis (June 2026) contains five documented defects: wrong Statement of Truth box; signatory from CMG not CMS; existing mortgagee not disclosed; parent with care not updated after custody change; underlying LO cannot be produced. SOURCE: N379 application · Interim Charging Order J0304220

THE COURTS ARE IGNORING THIS CHALLENGE

N161 filed 16 April 2026 — ten weeks silence · Enforcement pause — no direction · Contempt application — no action · Enforcement continues

Document CMS Enforcement Regime — Legal Analysis and Demand **Author** Christina Little — Lay Representative

Date 26 June 2026 **Status** Not Legal Advice — Sourced Public Interest Research **Website** thecmsfilesuk.netlify.app

A PARALLEL REGIME: BEYOND CMS — AN ENABLED SYSTEM

What the Child Maintenance Service has built and what HMCTS authorises

The Child Maintenance Service has created a parallel enforcement regime and has made that admission itself. DWP's own Central FOI Team confirmed on 25 June 2026 that the document served on paying parents as a Liability Order is a CMS administrative template — not a court order. GLD confirmed in live High Court proceedings (Z2500859 para 8) that CMS served the summons, not the court. CMS enforcement officials stated on recorded calls entered as court evidence: "There are no court orders — they're memorandums." These are not allegations. They are the government's own admissions.

This parallel regime was not built by CMS alone. It was enabled. HMCTS provided administrative approval to CMS to issue summonses. HMCTS provided the system infrastructure through which CMS generates enforcement documents. HMCTS maintained the Marston Holdings contract that enables execution of CMS arrest notices. HMCTS schedules rooms for bulk hearings that produce orders it never issued. The council tax liability order regime operates through the same system — the same HMCTS bulk processing, the same creditor-generated instruments, the same absence of individual judicial scrutiny. District Judge McAteer's rejection of a council tax charging order at Lancaster on 8 June 2026 confirms the defect is not unique to CMS.

The administrative liability order regime that would lawfully authorise this — ss.32M/32N CSA 1991 — has never been commenced. Parliament enacted the power. Parliament did not bring it into force. Two ministers confirmed this in writing in March 2026. CMS has been operating as though that regime existed for years, issuing instruments with no judicial origin, enforcing debts that cannot be challenged, registering charges against homes under void instruments, and imprisoning people under warrants it issues itself. The National Audit Office confirmed approximately £29.7 million in incorrectly calculated amounts in CMS accounts. Section 33(4) CSA 1991 prohibits any court from examining whether the debt is correct.

When this regime was challenged — through the N161 appeal, the enforcement pause application, the contempt application, the Claimant's Note, the CMS complaints process, the GLD demand, the formal Equita challenge, the Land Registry objection, and the JCIO complaint against DJ Sharma — every route closed. CMS declared the matter concluded. GLD said it would await a court direction. The court has not issued that direction. The N161 appeal has been unanswered for ten weeks. The N244 has been undetermined for eight months. Enforcement continues. This document proves, from primary sources, that there is no independent forum.

This regime is not merely unlawful.
It is criminal. And CMS has made that admission itself.

It was not built by CMS alone. It was enabled — by HMCTS, by GLD, by institutional silence at every level.

A full independent investigation across CMS, HMCTS, GLD, and all enforcement agents is the only proportionate response.

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TEN PRIMARY ADMISSIONS — GOVERNMENT'S OWN WORDS

Source	Admission and Significance
DWP FOI2026/50177 p.7 — 25 June 2026	"This is the only document that constitutes the order." The Liability Order is a CMS administrative template. Not a court order.

DWP FOI2026/50177 p.6	“CMS employees physically post and certify the issue of the summons.” Not a court. Not a JP. A CMS employee in Plymouth.
DWP FOI2026/50177 p.10	No legal advice held on whether CMS is authorised to issue summonses. Process implemented without legal basis check.
GLD Z2500859 para 8 — 9 March 2026	JUDICIAL ADMISSION in live High Court proceedings: CMS served the summons on the Claimant. Not the court.
HMCTS officer Veer — case 2400113035 (separate paying parent — not the Claimant in AC-2025-LON-001412)	No order on the court file. This is independent corroboration: a different paying parent in a different case at the same court, producing the same institutional response. Defendant directed to CMS to obtain it. The court does not have the order it purportedly made.
Leicester MC written confirmation — Jarvis	No court-issued summons. No signed LO on file. Parent B served 42 days in prison on an instrument the court confirms it never issued.
RTL letter — March 2026	Registrations made “without a lawful Liability Order.” RTL raised concerns with HMCTS and MoJ directly.
Lancaster County Court — DJ McAteer — 8 June 2026	Charging order application REJECTED. Independent judicial confirmation that the underlying instrument does not found a valid charge.
Andrew Western MP + Baroness Sherlock — March 2026	ss.32M/32N CSA 1991 never commenced. The administrative LO regime has no legal existence. CMS operates without it anyway.
N379 Statement of Truth — anonymised case — 1 June 2026	Signed by “Lynn Macdonald, Enforcment Office, CMG.” Wrong box ticked. Wrong organisation named. Existing mortgagee not disclosed. Five documented defects in a single charging order application.
DWP Internal Review IR2026/48392 — 29 June 2026	DWP upheld complaint on FOI2026/37573. Admitted original nil return on earlier template versions was incorrect. Disclosed CMEL7298_v011 — version in use 1 January 2020. Template confirmed: three simultaneous signatories, “Taken before me” blank, court name a merge field, CMEL7298 is CMS internal reference. At least 11 versions across managed document history. Four constitutional grounds unanswered.

HMCTS: COMPLICIT OR NEGLIGENT?

Three formal proceedings are currently ignored. An N161 appeal was filed 16 April 2026. Ten weeks later — no acknowledgement, no case reference, no listing. An enforcement pause application — no direction. A contempt application — no action. Enforcement continues throughout against a household with children.

HMCTS has ignored the N161 for ten weeks. It has ignored the enforcement pause. It has ignored the contempt application. These are not delays. They are institutional choices made while unlawful enforcement continues daily.

What HMCTS Has Done Actively — All Sourced

- **Given administrative approval to CMS to issue summonses — confirmed in FOI2026/50177 p.6. No statute authorises this. HMCTS cannot delegate a judicial function to an executive agency by administrative arrangement. By giving approval, HMCTS became a participant in the process.**
- **Provided its case management infrastructure — Libra and Common Platform — as the interface through which CMS generates enforcement documents. DWP confirmed the subsidiary system "interfaces with the HMCTS system." HMCTS agreed to this.**
- **Maintained the Marston Holdings AEA contract without requiring separation between criminal warrant execution and civil debt enforcement, allowing Marston to execute CMS civil arrest actions under its court-contracted authority.**
- **Received the RTL letter in March 2026 in which RTL confirmed registrations made "without a lawful Liability Order" and raised concerns with HMCTS and MoJ directly. No public action disclosed.**
- **Confirmed in multiple WhatDoTheyKnow FOI responses that courts do not produce physical liability orders — while allowing CMS to serve creditor-produced documents as court orders.**
- **Told paying parents not to attend their own hearings. The HMCTS notes page included with the CMS summons pack states the hearing date is "for uncontested applications only." HMCTS produced and authorised this document.**

The Constitutional Position

HMCTS is constitutionally required to be independent of the executive. Its function under the Courts Act 2003 is the administration of courts — including ensuring proceedings before courts comply with the law. What has happened is the inverse: an executive agency has used HMCTS infrastructure to generate documents with the appearance of court authority, and HMCTS has provided that infrastructure, given its approval, and then failed to respond when the practice was formally challenged through every available route.

Every route to justice runs through HMCTS, and HMCTS has closed each one. The paying parent cannot challenge the debt at the hearing. Cannot get an appeal heard. Cannot stop

enforcement. HMCTS is not a passive bystander. It is an active participant in a system that has imprisoned people under instruments never issued by any court.

THE GRAND PICTURE: A STRUCTURAL INDEPENDENCE FAILURE

Everything documented in this analysis connects to a single constitutional truth: there is no independent forum in which a paying parent can challenge what is being done to them. This is not a collection of procedural failures. It is the architecture of a system that has eliminated every meaningful route to justice — and HMCTS is the mechanism through which that elimination is maintained.

THE CORE CONSTITUTIONAL PROBLEM: The court cannot hear this case impartially because the court IS the problem. HMCTS schedules the rooms for CMS bulk hearings. HMCTS approves the summons process. HMCTS maintains the Marston arrest contract. HMCTS ignored the N161, the enforcement pause, and the contempt application. When you complain about this system to HMCTS, you are complaining to the institution that participates in it.

I. HMCTS Schedules Rooms for Orders It Cannot Lawfully Issue

DWP confirmed in FOI2026/50177 that HMCTS provides hearing space to CMS for bulk liability order hearings. FOI2026/03820 confirms CMS only "requests hearing space" — it does not lay a complaint before a JP. Yet the same courts have confirmed they do not issue the summons, do not produce the Liability Order, and hold no documents on file. HMCTS is lending its facilities, its institutional identity, and the appearance of judicial authority to a process it has no genuine judicial part in.

SOURCE: DWP FOI2026/50177 • FOI2026/03820 • HMCTS written confirmations across four courts

II. Formal Applications Ignored at Every Level

Application	Outcome
N161 appeal — filed 16 April 2026	TEN WEEKS OF SILENCE. No acknowledgement, no reference, no listing, no stay. Enforcement continued throughout.
Application to pause enforcement (High Court)	NO DIRECTION. The Administrative Court has not issued any direction. Enforcement continued.
Contempt of court application	NO ACTION. No listing, no direction, no response.
Claimant's Note — 22 June 2026	NOT ACTED UPON. On High Court record. No direction issued to GLD to respond to five-day document demand.
JCIO complaint against DJ Sharma (SRA 25195)	Filed on 11 grounds. DJ previously sat in FTT Social Entitlement Chamber — undisclosed conflict. HMCTS administers the JCIO. No outcome.

HMCTS formal complaints	Ref 82381182 — admission of administrative error on a separate point only. No action on substantive process challenge.

This pattern across six simultaneous formal applications is not coincidence. It is an institution closing itself to challenge. Article 6 ECHR guarantees a hearing within a reasonable time. Ten weeks of silence on a filed appeal while enforcement continues is justice denied.

III. No Independent Forum at Any Stage — and Why

Each forum is examined below with precision. The table states the documented position. The analysis beneath explains why the absence of independence is structural, not accidental — and why the N161 appeal and the s.33(4) bar together create a complete jurisdictional loop from which there is no domestic exit.

Forum	Documented Position and Reason
Mandatory Reconsideration (CMS internal)	CMS reviews its own decision. The creditor adjudicates the challenge to its own instrument. Not independent by definition. SOURCE: DWP Complaints letter 22 June 2026 — directed back to this process.
First-tier Tribunal (Social Entitlement)	Can examine the maintenance calculation only. Cannot examine the summons. Cannot examine the order. Cannot quash the order. Cannot award compensation. Cannot refer the matter back with power to stop enforcement. Section 33(4) bar (see below) prevents any tribunal from re-examining the underlying debt at the LO stage. The FTT is a different track and its findings cannot bind the enforcement process.
Magistrates Court — N161 appeal (s.111A MCA 1980)	THE JURISDICTIONAL PARADOX: The N161 is an appeal to the Magistrates' Court against an order the Magistrates' Court made. But DWP has confirmed the Magistrates' Court made no order — the only document constituting the order is a CMS template (FOI2026/50177 p.7). There is no court order to appeal. The court cannot hear an appeal against its own order when it made no order. This may explain why HMCTS has not responded to the N161 for ten weeks — not negligence, but the structural impossibility of appealing a void instrument the court itself did not issue. SOURCE: N161 filed 16 April 2026 — no response as at 28 June 2026.
High Court — Administrative Court (JR)	The one genuinely independent forum. Engaged in AC-2025-LON-001412. N244 from October 2025 undetermined after eight months. Claimant's Note of 22 June 2026 not acted upon. No enforcement stay granted. GLD declined to produce documents pending a court direction. The only forum capable of examining the complete picture has not yet done so.
JCIO (DJ Sharma SRA 25195)	Complaints about HMCTS judges go to a body administered by HMCTS. The JCIO cannot examine the substantive lawfulness of the enforcement process — only judicial conduct.
HMCTS Complaints	Complaints about HMCTS go to HMCTS. Ref 82381182 produced an admission of administrative error on a separate point but no action on the substantive challenge.

TVP (criminal reports)	TVP Professional Standards admitted in writing: (1) the offences reported are not civil matters — they are criminal; (2) there was confusion at point of contact between state-based offences and victim-based crimes; (3) action was taken to record the appropriate crime. Despite recording the offences as crimes, TVP refused to investigate. No statutory basis for the refusal was provided. The Police Reform Act 2002 and National Crime Recording Standard require either investigation or a formally authorised no-crime decision with reasons. Neither has been provided. BCA-5654-26-4320-03 / BCA-18321-26-4343-IR / INC-20260326-0108.
CMS Complaints	Letter 22 June 2026: declared the matter concluded. Refused to produce court-issued documents. Directed any challenge to the courts. The courts have not responded.
GLD (formal demand)	Email approximately 25 June 2026 (Ryan Jummun Z2500859): declined to produce documents pending a court disclosure direction. DWP confirmed the documents three days later via FOI2026/50177: they do not exist as court-issued instruments.

The Section 33(4) Jurisdictional Bar — The Lock on the Debt

Section 33(4) of the Child Support Act 1991 provides that in proceedings for a liability order, the court "shall not question the maintenance assessment, and accordingly shall not make any inquiry into whether the assessment is, or may have been, incorrect."

This provision locks the debt at the Magistrates' Court stage. The court cannot examine whether the calculation is correct. It cannot examine whether the debt is owed. It cannot adjourn to allow a challenge to the calculation. It simply records whether CMS has asserted a debt — and makes the order.

The consequence at every level:

- At the Magistrates' Court hearing: the court cannot examine the debt. Section 33(4) is absolute. The only question is whether payments were due and unpaid. But even that is decided on CMS's own figures, which the court cannot scrutinise.
- At the First-tier Tribunal: the FTT can examine the calculation, but its findings cannot be put before the Magistrates' Court at the LO hearing, because s.33(4) bars examination of the calculation there.
- At the N161 appeal: even if the N161 were heard, s.33(4) would still prevent the Magistrates' Court from examining whether the debt underlying the order is correct.
- At judicial review: the Administrative Court can examine the process and legality but an appeal court on a JR cannot rehear the facts that s.33(4) prevents the primary court from examining.
- At the European Court of Human Rights: Tsfayo [2006] ECHR 981 confirms that a later judicial review does not cure an Article 6 violation at the primary stage where the review cannot rehear the facts. S.33(4) is the statutory mechanism that ensures the facts are never examined at any stage.

> *SOURCE: s.33(4) CSA 1991 • Farley v Child Support Agency [2006] UKHL 31 • Tsfayo v United Kingdom [2006] ECHR 981 • DWP FOI IR2026/14071 (DWP withheld its own legal advice on Article 6 compatibility)*

The N161 Appeal — The Jurisdictional Paradox

The N161 Notice of Appeal under section 111A of the Magistrates' Courts Act 1980 is the prescribed route for appealing a Magistrates' Court order. The appeal goes to the Family Court. The grounds may include that the court exceeded its jurisdiction or that there was a procedural irregularity.

Here is the precise paradox that the current table does not fully capture:

> **THE N161 PARADOX: The N161 appeal is an application to set aside or vary a Magistrates' Court order. But DWP has confirmed in writing (FOI2026/50177 p.7) that the Magistrates' Court made no order — the only document constituting the order is a CMS administrative template. If there is no court order, there is nothing for the N161 to appeal. The Family Court is being asked to set aside an instrument the Magistrates' Court never issued. The court cannot exercise appellate jurisdiction over an order it did not make. This is not a procedural failure — it is a fundamental absence of subject matter. SOURCE: DWP FOI2026/50177 p.7 • s.111A MCA 1980 • N161 filed 16 April 2026 (no response ten weeks later)**

This analysis also explains why HMCTS has not responded to the N161 for ten weeks. Three explanations present themselves, and none reflects well on the institution:

1. Administrative failure — HMCTS simply failed to process the application. This is the charitable explanation. It does not excuse ten weeks of silence.
2. Structural impossibility — HMCTS cannot hear an appeal against an instrument the court never issued. The N161 machinery presupposes a court order exists. Where DWP has confirmed none does, the machinery has no subject matter to operate on. HMCTS has not developed any procedure for this situation because it has not acknowledged that the situation exists.
3. Institutional avoidance — hearing the N161 would require the court to examine whether the underlying Liability Order is a valid court order. DWP has confirmed it is not. A hearing would force the court to confront its own participation in the process this document describes. Silence is preferable to that confrontation.

The correct legal response by HMCTS to the N161 would be: (a) acknowledge it; (b) list it for hearing; (c) at the hearing, the question of whether the court has jurisdiction to hear an appeal against an instrument it never issued would be the threshold question. That question has never been asked in a hearing because HMCTS has not listed it. It should be.

> *SOURCE: s.111A MCA 1980 • DWP FOI2026/50177 p.7 • N161 filed 16 April 2026 • GLD Z2500859 para 8 • HMCTS confirmed no order on file (officer Veer, MK)*

The Complete Jurisdictional Lock

Taking s.33(4) and the N161 paradox together, the jurisdictional picture is complete:

Stage	What the Law Requires	What Actually Happens
Magistrates Court (LO hearing)	Court must be satisfied payments due and unpaid (s.33(3)). Cannot examine the calculation (s.33(4)).	CMS asserts the debt. Court records it. No evidence scrutinised. Bulk processing. 48 simultaneous orders. Libra records defendant as absent when present.

	JP must apply judicial mind (ex parte Hill [1983] 1 AC 328).	
N161 appeal (s.111A MCA 1980)	Appeal against the Magistrates Court order. Grounds include jurisdictional failure and procedural irregularity.	There is no court order to appeal. DWP confirmed the only document is a CMS template (FOI2026/50177 p.7). The appeal machinery has no subject matter. HMCTS has not responded for ten weeks.
Section 33(4) bar	Parliament imposed this bar. At no hearing can the court examine whether the debt is correct.	At LO hearing: debt unexaminable. At N161: even if heard, debt remains unexaminable. At JR: reviewing court cannot rehear the facts. No tribunal independently verifies the debt.
Judicial review (Admin Court)	Can examine the lawfulness of the process. Must grant permission first.	Permission refused, then amended by GLD slip rule application without notice. N244 undetermined eight months. No enforcement stay. Enforcement continues.

> *SOURCE: s.33(3) and (4) CSA 1991 • s.111A MCA 1980 • ex parte Hill [1983] 1 AC 328 • DWP FOI2026/50177 p.7 • Farley v Child Support Agency [2006] UKHL 31 • Tsfayo v United Kingdom [2006] ECHR 981 • amended order sealed 9 February 2026*

Tsfayo v United Kingdom [2006] ECHR 981: a later judicial review does not cure an Article 6 violation at the primary stage where the review cannot rehear the facts. Here the primary stage is operated by the creditor using the court's facilities. The secondary stage has been closed by institutional silence. There is no stage at which any independent tribunal has examined whether the debt is correct, whether the instrument is lawful, or whether the paying parent has any rights at all.

> **THE CONSTITUTIONAL ARGUMENT: Parliament enacted ss.32M/32N CSA 1991 as the specific lawful route for administrative enforcement without court proceedings. It has never been commenced. CMS has been conducting that same administrative enforcement through the court system without authority — using court facilities to give the appearance of judicial legitimacy to an entirely administrative process. HMCTS has cooperated with this. This is not a regulatory question. It is a constitutional one.**

V. Formal Investigation at the Highest Level

4. **The Serious Fraud Office to investigate the full institutional pattern including named GLD solicitors, CMS officials, and HMCTS officers. SFO reference RF26030143832C is active.**
5. **The National Crime Agency to investigate as an organised course of conduct by state actors causing systematic harm.**
6. **The Parliamentary and Health Service Ombudsman via MP referrals from Callum Anderson MP and Debbie Abrahams MP.**
7. **The Lord Chief Justice, as head of the judiciary, to investigate HMCTS's administrative approval of the CMS summons process, the institutional silence on formal court applications, and the maintenance of contracts enabling unlawful enforcement.**

8. **The Attorney General to consider whether the pattern warrants intervention under superintendence powers over GLD and the Crown Prosecution Service.**

A state body enforcing civil debt through criminal courts, using instruments it knows are not court orders, under a legal framework Parliament has never enacted, facilitated by court administration, with every formal challenge route closed by institutional silence. There are no safeguards. There is no independence at any stage. A formal investigation at the highest level is the only proportionate response.

EXECUTIVE SUMMARY — TEN SOURCED FINDINGS

This document proves the following with primary source evidence at every point. Every finding is sourced. Every admission is documented. Nothing is alleged without documentary foundation.

CONFIRMED: PEOPLE HAVE BEEN IMPRISONED FOR DEBTS THEY DID NOT OWE, ON INSTRUMENTS NO COURT EVER ISSUED. THIS IS NOT A REGULATORY COMPLAINT. THIS IS DOCUMENTED INSTITUTIONAL MISCONDUCT.

FINDING 1 — SOURCED: The summons is not a court document

The CMEL7298 summons is generated by CMS on an off-system template, identified in the CMS staff handbook as "CMEL7211 — off system letter — Summons." GLD admitted at para 8 of Z2500859 that CMS served the summons. DWP confirmed in FOI2026/50177 that CMS employees physically post and certify issue. SI 2021/763 abolished the prescribed form in September 2021. Since then, CMS has had no prescribed form on which to base the instrument.

> *SOURCE: GLD Z2500859 para 8 • DWP FOI2026/50177 • CMS staff handbook • SI 2021/763 • confirmed in force*

FINDING 2 — SOURCED: The Liability Order is not a court order

DWP confirmed 25 June 2026: "This is the only document that constitutes the order" — referring to the CMEL7298 template. HMCTS confirmed: "The court does not produce physical liability orders anymore." Multiple courts confirmed in writing they hold no court-issued signed LO. The instrument bears no court seal, no court reference, no named judicial officer, and in one case three simultaneous unidentified signatories.

> *SOURCE: DWP FOI2026/50177 p.7 • HMCTS WhatDoTheyKnow FOIs • Leicester / MK / Brighton / Brighton court confirmations*

FINDING 3 — SOURCED: A person imprisoned 42 days for a debt he did not owe

An individual was committed to HMP Peterborough from 18 November 2025. Bank records demonstrate the debt was paid. Leicester Magistrates Court confirmed in writing: no court-issued summons, no signed LO on file. DWP/CMS's own sworn witness (Johanne Wilkie) acknowledged at para 23 of her High Court statement that the individual had made payments towards the debt for which he was imprisoned. Mr Justice Calver could not identify from the papers which court made the underlying order. The individual was released early without explanation.

> *SOURCE: Leicester MC written confirmation • Johanne Wilkie witness statement para 23 • AC-2025-LON-004194 • bank records*

FINDING 4 — SOURCED: The calculation ignores children — admitted in writing

Section 2 CSA 1991 requires the Secretary of State to have regard to the welfare of any child likely to be affected. CMS's complaints team confirmed in writing it has no duty of care to children in the paying parent's household. This is a written admission of structural non-compliance with a primary legislative duty. In documented cases, enforcement and imprisonment proceeded without any welfare assessment. One child lost a parent to prison for 42 days on a fictitious debt.

> *SOURCE: CMS complaints team letter (admitted duty breach) • s.2 CSA 1991 • witness statements*

FINDING 5 — SOURCED: Incompatible with Article 6 ECHR at every stage

At no stage does an independent tribunal examine whether the debt is correct. Section 33(4) CSA 1991 prohibits the court from questioning the calculation. CMS earns a 20% surcharge on enforcement — a direct financial interest in making orders. The government withheld its own Article 6 legal advice (FOI IR2026/14071). Tsfayo [2006] ECHR 981: absence of an independent tribunal at the primary stage is not cured by a later judicial review that cannot rehear the facts.

> *SOURCE: s.33(4) CSA 1991 • FOI IR2026/14071 (withheld) • Tsfayo [2006] ECHR 981 • Farley [2006] UKHL 31*

FINDING 6 — SOURCED: GLD defended unlawful enforcement knowing the evidence

Ryan Jummun (GLD) simultaneously defended the CMS enforcement process in AC-2025-LON-001412 and the imprisonment of an individual in AC-2025-LON-004194 — filing the Johanne Wilkie statement acknowledging that individual had made payments. Costs were sought against the imprisoned individual's family after the habeas corpus application produced early release. The full pattern of GLD conduct is documented in Part 17.

> *SOURCE: GLD Z2500859 • AC-2025-LON-004194 • Johanne Wilkie witness statement • costs correspondence*

FINDING 7 — SOURCED: The administrative LO regime cannot lawfully commence

The Child Support (Enforcement) Act 2023 creates an administrative LO regime. Never commenced — confirmed by two ministers in two Houses in March 2026. This document demonstrates why it cannot be: fictitious debts, admitted s.2 failure, instruments without statutory basis, errors not corrected when shown evidence. Commencing while these facts are documented would be constitutionally improper.

> *SOURCE: Andrew Western MP written answer March 2026 • Baroness Sherlock Lords Committee • ss.32M/32N CSA 1991*

FINDING 8 — SOURCED: The pattern is systemic across courts and years

Milton Keynes (2024 and 2026), Leicester (2022), Brighton — all independently confirmed no court-issued documents exist. Every Libra extract shows: CS91501, G—Granted, Defendant Present: NO, Informant: CMS Child Maintenance Service, Register Notes: blank. Parents who attended are recorded absent. The informant is CMS, not the Secretary of State as required by s.33(1) CSA 1991. This is the system operating as designed.

> *SOURCE: Certified Libra extracts • four court written confirmations • CourtServe bulk hearing records*

PART 1 — THE LEGISLATIVE FRAMEWORK

1.1 Section 33 Child Support Act 1991 — The Foundation

> *"Where the Secretary of State applies for a liability order, the magistrates' court shall make the order if satisfied that the payments in question have become payable by the liable person and have not been paid." — Child Support Act 1991, s.33(1) and (3)*

The critical words are "the magistrates' court shall make the order." This is a mandatory judicial act by the court. The court — not CMS — makes the order. This primary legislative requirement cannot be displaced by secondary legislation, procedural rule, or administrative arrangement.

1.2 Section 33(3) — The Satisfaction Test

Section 33(3) requires the court to be actively satisfied that payments have become payable and have not been paid before making any order. This is not a rubber-stamp exercise. It requires independent judicial evaluation of the evidence. At the 27 March 2026 bulk hearing, 48 orders were made on the bare oral assertion of CMS presenting officers. No documentary evidence was produced or examined in any case. The statutory precondition was not met in any of the 48 cases.

1.3 Section 33(4) — The Structural Bar

> *"For the purposes of this section, the court is not to question whether — (a) a maintenance calculation is, or was, correct; or (b) an amount of child support maintenance is, or was, payable." — Child Support Act 1991, s.33(4)*

This is the most constitutionally dangerous provision in the entire framework. The court cannot examine whether the debt is real, whether the calculation is correct, or whether payments have been made. It must accept CMS's bare assertion. The NAO confirmed approximately £29.7 million in incorrectly calculated amounts in CMS accounts. People are receiving court orders for debts that may not exist and cannot tell the court.

DWP holds legal advice on Article 6 compatibility of this regime but withholds it under s.42 FOIA. A government confident in its regime's compatibility has little reason to withhold that advice.

1.4 The Uncommenced Administrative Regime — ss.32M/32N

Status	Detail
Enacted by	Section 25, Child Maintenance and Other Payments Act 2008
Would insert	Sections 32M and 32N into the Child Support Act 1991
Amended by	Child Support (Enforcement) Act 2023
Status	NEVER COMMENCED — no commencement order exists
Confirmed by	Two ministers in two Houses — March 2026

Critical significance	Parliament enacted a specific route for CMS to operate without a court. That route requires commencement. Its existence proves the current court-based process cannot be administratively bypassed. CMS has no power to act as though it were commenced.

1.5 The Section 33(4) Structural Paradox

The statute contains an internal contradiction that renders the entire process constitutionally incoherent. Section 33(3) requires the court to be satisfied payments are due and unpaid. Section 33(4) prohibits the court from questioning whether any amount is payable. The court cannot be genuinely satisfied (s.33(3)) without examining whether the debt is real. But examining whether the debt is real is prohibited (s.33(4)). Genuine judicial satisfaction is structurally impossible by design.

Lord Nicholls in Farley v CSA [2006] UKHL 31 at paragraph 18 stated that s.33(4) is only tolerable where adequate alternative challenge routes exist. The evidence in these proceedings demonstrates those alternative routes are not adequate in practice: enforcement proceeds before appeals conclude; Mandatory Reconsideration is an internal CMS process, not an independent tribunal; and £29.7m in incorrect amounts exists in the system despite those routes having operated for years. Lord Nicholls's own reasoning in Farley supports the s.4 HRA 1998 incompatibility argument.

PART 2 — THE SUMMONS AND PROCEDURAL REQUIREMENTS

2.1 Section 51 MCA 1980 — The Jurisdictional Foundation

> *"Before a summons or warrant is issued the information must be laid before a magistrate and he must go through the judicial exercise of deciding whether a summons or warrant ought to be issued or not. If a magistrate authorises the issue of a summons without having applied his mind to the information then he is guilty of dereliction of duty." — R v Manchester Stipendiary Magistrate ex parte Hill [1983] 1 AC 328, per Lord Roskill (House of Lords — never overruled)*

This is the absolute jurisdictional precondition. Without valid originating process, orders are a nullity ab initio. Lord Roskill's observation that a practice of summonses issued without any JP consideration would be "a very serious instance of maladministration" was directed at a single court's irregular practice. The CMS enforcement regime, operating as the evidence describes, represents this practice at industrial scale — approximately 150,000 new enforcement applications per year nationally.

2.2 The 2019 Rules — What Changed and What Did Not

The Magistrates' Courts Amendment Rules 2019 (SI 2019/1367) removed the requirement for a JP's signature on the face of a summons. This is a deliberate concession: the absence of a signature is not, on its own, fatal. What the 2019 Rules did not change — and could not change as secondary legislation — is the primary legislative requirement in s.51 MCA 1980 for a judicial mind to be applied before issue. The designated officer must still record the name of the authorising JP or court officer. No such record has been produced in response to any request in these proceedings.

2.3 Rule 98 — What a Valid Summons Must Contain

Rule 98 Requirement	Position With CMEL7298	
State complainant name and address	CMEL7298 names CMS as source — complainant in law is the Secretary of State	
Contain notice of when/where to attend	Contains date/location, but cover letter tells defendant not to attend — a direct contradiction	
Specify the complaint	Contains a SCIN (CMS internal ref) not a court complaint reference	
Identify court office address	Bears CMS's Wolverhampton address, not court address	
Designated officer must record name of authorising JP	No such record has been produced in any response	

2.4 What a Valid Liability Order Requires — The Five Steps

9. Valid complaint made to the court by or on behalf of the Secretary of State (Reg.28(1) SI 1992/1989)
10. Summons issued under individual authority of a JP whose name the designated officer has recorded (Rule 98 as substituted by SI 2019/1367)
11. Hearing at which the court individually applies its judicial mind to each case (s.33(3) CSA 1991 — the satisfaction test)
12. Adjudication recorded in the court register (Rule 66 MCR 1981) — this is the point at which the order legally comes into existence
13. If no register entry exists, there is no order, regardless of what notification document CMS generates

The HMCTS officer Veer email confirmation confirming "no order is on the court file" is not a peripheral procedural point. It is evidence that no order was made at all. The order exists in law only when it is recorded in the court register. That record does not exist.

PART 3 — THE CMEL7298 SUMMONS — FORENSIC ANALYSIS

3.1 Critical Defects in the Document

The CMEL7298 summons used in CMS enforcement proceedings contains four critical defects:

- **No court-generated case reference number. The only references are CMS internal identifiers (SCIN). A summons processed through Libra generates a court case number. None exists on CMEL7298.**
- **No record of JP authorisation. Nothing on the face of the document, nor produced on request, identifies the justice or court officer who authorised issue as required by the 2019 Rules.**
- **No named court officer. The cover letter is signed by an unnamed "Enforcement Manager, Child Maintenance Service" — a CMS employee, not a court officer.**
- **Off-system generation. CMS's own staff handbook identifies the summons as "CMEL7211 — Off system letter — Summons." Off-system means generated within CMS's own IT environment, not through the court's Libra system.**

3.2 The Cover Letter Concerns

- Defendant told not to attend: "Please do not attend the court in person." This contradicts the summons requirement to appear and has no stated legal basis.
- Contest via CMS not court: defendants wishing to contest are told to call CMS. This directs them to an internal CMS process, not to the court.
- No named signatory: signed "Enforcement Manager Child Maintenance Service" with an illegible signature. The signatory cannot be identified or held accountable.

3.3 The HMCTS Notes Page — Institutional Exclusion Confirmed

> *"IMPORTANT — If you oppose the liability order, do not attend court on the date that appears on the court summons. That date is for uncontested applications only. If you are contesting the case, the court will put the case off to another hearing."* *— HMCTS Notes Page — included in the CMS summons pack*

HMCTS's own institutional document confirms: the hearing is a bulk administrative exercise for uncontested cases only. Contested defendants are told to stay away. Mr Nicholson contested weeks before 27 March 2026. His contest was known to CMS and the court. The case was not adjourned. The order was made in direct contravention of the HMCTS notes page itself. That order is void on this ground independently of every other ground in this document.

3.4 The GLD Admission

> *"A summons was served on Mr Nicholson by the Secretary of State's agency, the Child Maintenance Service."* *— Government Legal Department — Z2500859 paragraph 8 — 9 March 2026*

This is a formal judicial admission in live High Court proceedings. Issue and service are legally distinct. The 2019 Rules changed who may physically serve a summons — CMS may now do this. They did not and could not change the requirement that the court must first issue it. The GLD admission confirms service by CMS. The court confirms it does not issue these documents. Both facts together establish the instruments are false.

CMEL7298_V011 — THE TEMPLATE CONFIRMED: NEW PRIMARY EVIDENCE

On 29 June 2026 — the same date as this document — DWP's Central Freedom of Information Team issued internal review decision IR2026/48392 in response to Christina Little's internal review of FOI2026/37573. The review concerned the CMEL7298 summons template and five grounds of challenge to the original response. DWP upheld the complaint, admitted the original decision was incorrect, and disclosed CMEL7298_v011 — an earlier version of the template in use on 1 January 2020. The original FOI request and the disclosed template can be viewed at the WhatDoTheyKnow public record: whatdotheyknow.com/request/1418452-d98a2744 (reference FOI2026/37573 • IR2026/48392).

DWP UPHOLDS THE COMPLAINT: "We find that the original decision was incorrect and so your complaint is upheld." — DWP Central FOI Team, IR2026/48392, 29 June 2026. DWP had previously stated no earlier versions were held. That statement was false. CMEL7298_v011 is now disclosed. The template has at least 11 documented versions. It is a managed, maintained, deliberately iterated document.

1. What IR2026/48392 Confirms

Five grounds were raised in the internal review. DWP substantively addressed Ground 5 — earlier template versions — and upheld it. Grounds 1 to 4 (the address question, the certificate of service, the LO signature block, and the Article 6 incompatibility of CMEL7000 VAR01) were not substantively answered. This non-response to four of five grounds is itself a matter for ICO complaint under s.50 FOIA.

Ground raised in review	DWP's response
Ground 1: CMEL7298 address is CMS's own address (Mail Handling Site A, Wolverhampton) not the court or Secretary of State's principal office. Legal basis?	Not substantively answered.
Ground 2: CMEL7000 VAR01 requires paying parents to contact CMS to exercise their court rights — incompatible with Article 6(1) ECHR on its face.	Not substantively answered.
Ground 3: Scotland comparison — CMEL7000 VAR02 (Scotland) gives paying parents 21 days and a court-served notice. England and Wales	Not substantively answered.

process is an operational choice, not a statutory necessity.	
Ground 4: Carltona response is legally misconceived — Carltona does not extend to judicial functions (s.51 MCA 1980 is a judicial power vested in a JP, not a ministerial function).	Not substantively answered.
Ground 5: Earlier template versions exist — the nil return was false.	UPHELD. CMEL7298_v011 (in use 1 January 2020) now disclosed. Earlier versions still not searched for.

> *SOURCE: DWP Internal Review IR2026/48392 (29 June 2026) • FOI2026/37573 (original request) • s.50 FOIA (ICO complaint route)*

2. CMEL7298_v011 — Forensic Analysis of the Disclosed Template

CMEL7298_v011 is a three-page document comprising: (1) Summons to Defendant; (2) Complaint; (3) Liability Order. All three pages bear the template reference "CMEL7298" at the foot — a CMS internal reference, not a court case reference. The document was in use on 1 January 2020 and confirms the structural defects identified throughout this analysis are not features of the current version alone. They are embedded in the template architecture at least from 2020.

2.1 The Summons page

The summons states: "The Secretary of State for Work and Pensions applies for a liability order under section 33 of the said Act to be made against you and you are required to attend court to hear the complaint against you."

The name of court field reads: "[Name of court], [Address of Court]" — a merge field. Not pre-populated. Not a court-issued document. A template with merge fields to be completed by CMS staff.

The signature block lists three alternative signatories simultaneously with none identified or selected:

- **District Judge (Magistrates' Court)**
- **Justice of the Peace**
- **(Authorised Assistant to the) Justices' Clerk**

This is the three-simultaneous-signatory defect confirmed in the template itself. It is not a defect in individual documents. It is the template design. Every document generated from CMEL7298 since at least 1 January 2020 carries this structural defect. No mechanism exists within the template to identify which judicial officer signed.

2.2 The Complaint page

The complaint section contains the field "Taken before me" — the formal acknowledgement that a complaint was sworn before a judicial officer. In CMEL7298_v011 this is a blank merge field. In the documents actually served on paying parents it has never been completed. This confirms that the complaint is not sworn before any judicial officer. It is generated by CMS and certified by a CMS employee identified as "[CMS Officer] an officer duly appointed by and on behalf of the Secretary of State for Work and Pensions."

A complaint by way of a CMS officer is not a complaint laid before a justice of the peace as required by s.51 MCA 1980. The Carltona principle permits ministerial administrative functions to be delegated to civil servants. It does not authorise the delegation of the judicial function of authorising the issue of a summons — a power vested by s.51 MCA 1980 in a justice of the peace, not in the Secretary of State. There is nothing to delegate.

2.3 The Liability Order page

The Liability Order template reads: "On the complaint of the Secretary of State for Social Security that the sums specified below are due from the defendant under the Child Support Act 1991 and Part IV of the Child Support (Collection and Enforcement) Regulations 1992 and are outstanding, it is adjudged that the defendant is liable to pay the aggregate amount specified below."

This is the language of a court order. It says "it is adjudged." It is on a CMS-managed template. The signature block again lists all three judicial officers simultaneously with none identified. The aggregate amount field is blank — a merge field to be populated by CMS. The court reference field is blank — a merge field. CMEL7298 appears at the foot as the document reference.

> **THE TEMPLATE PROVES THE CONSTITUTIONAL DEFECT: CMEL7298_v011 confirms what DWP's FOI responses have stated: CMS generates the summons, the complaint, and the liability order from a single CMS-managed template. The "Taken before me" field is blank. The signing judicial officer is not identified. The court reference is a merge field. The document is indistinguishable from a court-issued instrument in appearance but is generated entirely by CMS. This has been the position since at least 1 January 2020 across at least 11 template versions. It is not an error. It is the system.**

2.4 The Footer — CMS Self-Authorisation

Both the Summons and the Liability Order pages carry the following footer in bold:

> *""The Child Maintenance Service is the operating arm for the Department of Work and Pensions for the calculation, collection and enforcement of child maintenance and that these proceedings are brought in the name of the Secretary of State for Work and Pensions.""* *— CMEL7298_v011 footer — both Summons and Liability Order pages*

This footer contains a false statement that constitutes an additional legal defect. The footer asserts that "these proceedings are brought in the name of the Secretary of State for Work and Pensions." They are not. The documents are generated by CMS, on CMS-headed templates, signed by unnamed CMS Enforcement Managers, posted from Plymouth by CMS employees, and certified by CMS staff. The named claimant in charging order proceedings is The Child Maintenance Service. The informant recorded in the Libra court register is "CMS Child Maintenance Service." The Statement of Truth on the N379 application is signed by a person identifying herself as being from CMG. At no stage do the proceedings bear the name of the Secretary of State. The footer is an assertion that contradicts the documents it appears on. This is itself a false representation within the meaning of Fraud Act 2006 s.2: the footer represents that proceedings are brought in the Secretary of State's name when on the face of every document in the enforcement chain they are not.

This is CMS asserting its own constitutional authority in a footnote on a document it produces itself. A court document does not require the issuing body to explain in a footer that proceedings are brought in the name of the Secretary of State. The need for this explanation is itself the admission: CMS knows the document does not originate from the Secretary of State's office or from the court. It must assert the connection in a footer because the document does not establish it in its body. The assertion in the footer and the reality of the documents are irreconcilable. The footer is evidence of the defect, not a cure for it.

3. What v011 Establishes That Was Not Previously Confirmed

New confirmation from v011	Legal significance
The three-simultaneous-signatory defect is in the template, not individual documents	Every LO and summons generated since at least 1 January 2020 carries this defect as a matter of template design. It cannot be cured by individual document correction.
"Taken before me" is a blank merge field in the template	No complaint has been sworn before a judicial officer in any case using this template. The complaint is a CMS administrative document, not a judicial complaint.
The template has at least 11 versions (v011 is the January 2020 version)	This is a managed document with at least 11 iterations. Versions v001-v010 predate January 2020. The system has been maintained and updated deliberately across many years.
The court name and address are merge fields	The template is not issued by any specific court. The court is inserted as a merge field by CMS. This is CMS issuing process in the name of courts it selects.
The aggregate amount in the LO is a merge field	CMS populates the amount. The court does not independently verify the figure. Combined with s.33(4), the amount is set by CMS, enforced by the template, and is unchallengeable at the hearing.
DWP's original nil return on earlier versions was admitted as false	DWP was required by FOIA to search for and disclose earlier versions. It failed to do so. The false nil return suppressed this evidence. The internal review has corrected this but only partially: versions before 1 January 2020 remain unsearched.

4. Outstanding FOI Obligations and Next Steps

The internal review IR2026/48392 has only partially remedied the original failure. The following remain outstanding:

14. **Versions v001 to v010 of CMEL7298 predate 1 January 2020 and have not been searched for or disclosed. A further FOI should be submitted requesting all versions of CMEL7298 in existence prior to 1 January 2020 and the version change log.**

15. **Grounds 1 to 4 of the internal review were not substantively answered. DWP must address these grounds within 20 working days of the review. If it fails to do so, a complaint to the Information Commissioner under s.50 FOIA is available and appropriate.**
16. **CMEL7000 VAR01 — the Article 6 question raised in Ground 2 — has been formally raised with DWP and not answered. This is now documented as an unanswered constitutional question in live judicial review proceedings.**
17. **The Scotland comparison (Ground 3) establishes that the England and Wales process is an operational choice. DWP must explain why Scottish paying parents receive court-served notice with 21 days to respond while English and Welsh paying parents must contact CMS. This is a documented inequality that has not been addressed.**

> *SOURCE: DWP IR2026/48392 (29 June 2026) • CMEL7298_v011 (disclosed 29 June 2026) • FOI2026/37573 • s.50 FOIA • s.51 MCA 1980 • Carltona Ltd v Commissioners of Works [1943] 2 All ER 560 • AC-2025-LON-001412*

PART 4 — THE LIABILITY ORDER — LEGAL ANALYSIS

4.1 Four Defects in the CMS Template

The liability order document contains four defects that distinguish it from a valid court order:

- **Three simultaneous alternative signatories: the signature block lists "District Judge (Magistrates' Court) / Justice of the Peace / (Authorised Assistant to the) Justices' Clerk." Three different judicial offices, none identified. A genuine court order is signed by one identified person in one specific capacity.**
- **No court case reference number. Only CMS internal references appear. A court order generated through Libra carries a unique court reference. Its absence confirms the order was not generated through the court system.**
- **CMS-headed template format. The document bears a CMS-style black bar header. It is a CMS administrative form given the appearance of a court order. The courts have confirmed in writing they do not issue these documents.**
- **DWP confirmed: "This is the only document that constitutes the order" — FOI2026/50177, 25 June 2026. There is no separate court-issued instrument.**

4.2 Recorded CMS Admissions

> *"There are no court orders — they're memorandums." — CMS enforcement official — Exhibit CL3 — recorded telephone call — in evidence in AC-2025-LON-001412*
>
> *"We act on written authority from CMS only — we do not hold a copy of any court order." — Enforcement agent, Somerset — Exhibit CL2 — recorded telephone call — in evidence in AC-2025-LON-001412*

4.3 The Enforcement Chain — What Requires a Valid LO and What Does Not

Not every CMS enforcement power requires a Liability Order. This distinction is critical and is frequently misunderstood. Section 31 CSA 1991 gives CMS a primary enforcement power — the Deduction from Earnings Order — that does not require a Liability Order. The LO is needed only for enforcement beyond the DEO stage.

> **DEOs DO NOT REQUIRE A LIABILITY ORDER. Section 31 CSA 1991 gives the Secretary of State a direct power to make a DEO against a liable person to secure payment. No court involvement is required. A DEO is a primary enforcement tool, available before and independently of any LO application. Source: s.31(1) CSA 1991 — confirmed by the government's own ALO consultation document (GOV.UK • February 2024).**

Power	Statutory Basis — LO Required?
Deduction from Earnings Order (DEO)	s.31 CSA 1991 — NO LO REQUIRED. Direct primary power of the Secretary of State. A DEO can be made before any LO application. Employer must comply on service of the DEO alone.
Lump sum deduction from bank account	s.32A CSA 1991 — NO LO REQUIRED. Direct power to deduct from bank accounts without court involvement.
Bailiffs / controlled goods (distress)	s.35(1) CSA 1991 — LO REQUIRED: "Where a liability order has been made." If LO void: no s.35 power. Any levy is trespass.
Charging order on home	s.36 CSA 1991 — LO REQUIRED AND County Court order required. If LO void: neither step is available.
Committal to prison	s.40(1) CSA 1991 — LO REQUIRED: "Where a liability order has been made." If LO void: imprisonment has no lawful authority. False imprisonment.
RTL credit record registration	s.33(5) CSA 1991 — LO REQUIRED. Designation requires valid LO. If void: RTL registration is registration of a false instrument.
Driving disqualification / passport seizure	ss.39A/39B CSA 1991 — LO REQUIRED. Expressly conditioned on valid LO. If void: no power arises.

The significance of the DEO point for this document is this: a DEO served without a valid LO is lawfully issued if there is a valid maintenance calculation. The DEO does not fall within the chain of enforcement instruments challenged in this document. However, where CMS has progressed beyond DEO to obtain an LO that is void, every subsequent enforcement step built on that LO — bailiffs, charging orders, committal, credit registration — is without lawful authority.

4.4 What to Say to an Enforcement Agent

> *"Under section 35(1) of the Child Support Act 1991, your power to levy distress arises only where a liability order has been validly made by a magistrates' court. I require you to produce: (1) the court case reference number of the liability order; (2) evidence that the order is held on the court file; and (3) the written authorisation from the Secretary of State required by Regulation 30(2) of SI*

> *1992/1989. If you cannot produce these, you have no lawful authority under section 35 and any levy will constitute trespass."*

Research basis — not legal advice — seek qualified assistance

DUE PROCESS, NATURAL JUSTICE AND THE RULE OF LAW — THE CONSTITUTIONAL FOUNDATIONS

Before examining Article 6 ECHR specifically, this Part sets out the constitutional foundations on which this entire analysis rests. Due process, natural justice, and the Rule of Law are not merely useful arguments — they are the bedrock principles of the English legal constitution. They predate the Human Rights Act 1998 by centuries. Section 33(4) of the Child Support Act 1991 offends all three.

1. Due Process in UK Law

Due process as a term originates in Magna Carta 1215, chapter 39: “No free man shall be seized, imprisoned, dispossessed, outlawed, exiled or ruined in any way, nor in any way proceeded against, except by the lawful judgement of his peers and the law of the land.” The principle is not American. It is English. The United States Fifth and Fourteenth Amendments absorbed it from English constitutional law.

In the modern UK legal system, due process operates through two distinct concepts:

Procedural due process

The government must use fair methods and procedures before taking away a person’s liberty or property. This requires: formal notice of the case against the person; an opportunity to be heard by an independent decision-maker; the right to present evidence and argument; and a reasoned decision. In English law this is expressed through the rules of natural justice and Article 6 ECHR.

Substantive due process

The laws themselves must be fair, reasonable and not arbitrary — regardless of how fairly they are applied. Even if a procedure is followed correctly, if the law authorising it is arbitrary or disproportionate, it violates substantive due process. In English constitutional terms this maps onto the doctrine of legality (laws must have clear Parliamentary authority), the principle of proportionality (measures must be proportionate to their aim), and the requirements of Article 6 and Article 1 Protocol 1 ECHR.

> **THE SECTION 33 DUE PROCESS FAILURE: Section 33(3) gives the paying parent procedural due process in form — there is a hearing. Section 33(4) removes its substance — the most important question cannot be asked at that hearing. The debt cannot be questioned. The calculation cannot be examined. The court must accept CMS’s figures. This is procedural due process as a shell: the form of a hearing without the substance. The paying parent attends a court hearing at which they cannot meaningfully participate on the question that matters most. This is not a failure of administration. It is Parliament creating a procedure that satisfies the appearance of fairness while guaranteeing its absence.**

2. Natural Justice — The Two Rules

Natural justice in English common law has two foundational rules, confirmed across centuries of case law and binding on every public body and every court:

Audi alteram partem — hear the other side

Every person whose rights may be adversely affected by a decision must be given an adequate opportunity to present their case before the decision is made. This is not a statutory right — it is a common law constitutional principle. It predates statutes. It binds Parliament's own creations.

Applied to CMS enforcement: the paying parent receives a summons requiring attendance at a hearing. They attend. But the rule requires not merely physical presence but a meaningful opportunity to be heard on the substance. Section 33(4) removes that opportunity on the central question. The paying parent can say "I paid" — but cannot say "the calculation that produced this figure was wrong." The debt figure itself — the very foundation of the proceeding — is placed beyond scrutiny. Audi alteram partem requires the other side to be heard. It is not satisfied by a hearing at which one party cannot address the most important issue.

Nemo iudex in causa sua — no one shall be a judge in their own cause

No person may adjudicate in a matter in which they have a direct interest. This applies to financial interest as much as personal bias. In Dimes v Grand Junction Canal (1852) 3 HL Cas 759, Lord Chancellor Cottenham's decision was set aside because he held shares in the company — even though he had acted correctly. The principle is absolute: apparent bias is enough.

Applied to CMS enforcement: CMS calculates the debt. CMS applies for the order to enforce it. CMS earns a 20% surcharge on amounts collected — a direct financial interest in making and enforcing orders. Under the ALO regime proposed by the 2023 Act, CMS would also make the order itself. This is the most direct possible violation of nemo iudex: the creditor, the calculator, the enforcer, and the financial beneficiary would all be the same body. The principle is not satisfied by the presence of a magistrates' court that cannot examine whether the debt is correct.

> *SOURCE: Ridge v Baldwin [1964] AC 40 (HL) • Dimes v Grand Junction Canal (1852) 3 HL Cas 759 (HL) • Porter v Magill [2002] 2 AC 357 (HL) • R v Gough [1993] AC 646 • s.33(4) CSA 1991 • 20% surcharge — SI 1992/1989*

3. The Rule of Law

The Rule of Law in its modern English formulation has three components, identified by Dicey and confirmed repeatedly by the courts:

18. No person may be punished except for a distinct breach of law established in the ordinary courts — not by arbitrary government action.
19. Every person is subject to the ordinary law of the land, administered by the ordinary courts — including government officials.
20. Constitutional rights arise from the ordinary law as declared by the courts — not from a written constitution.

The Supreme Court affirmed the constitutional significance of the Rule of Law in R (Unison) v Lord Chancellor [2017] UKSC 51. Lord Reed: "The constitutional right of access to the courts is inherent in the rule of law." He continued: "Without such access, laws are liable to become a dead letter, the work done by

Parliament may be rendered nugatory, and the democratic election of Members of Parliament may become a meaningless charade."

Applied to CMS enforcement: the paying parent cannot access any court that will independently examine the correctness of the debt against them. Section 33(4) closes the Magistrates' Court. The s.111A appeal cannot reach the calculation. Judicial review cannot rehear the facts (Tsfayo). The First-tier Tribunal's findings cannot bind the enforcement process. The Rule of Law requires that legal obligations be determinable by the courts. Where no court can examine whether the obligation exists in the amount asserted, the Rule of Law is not satisfied.

> *SOURCE: R (Unison) v Lord Chancellor [2017] UKSC 51 • AV Dicey, "Introduction to the Study of the Law of the Constitution" (1885) • R v Secretary of State for the Home Department ex parte Pierson [1998] AC 539 (HL) • R v Secretary of State for the Home Department ex parte Simms [2000] 2 AC 115*

4. Why Primary Legislation Can Still Violate These Principles

The most significant point identified is this: s.33(4) was enacted by Parliament in primary legislation. Parliament did it deliberately. Does that mean it is unchallengeable?

The answer is no — for three distinct reasons:

Reason 1: The Human Rights Act 1998

Section 4 HRA 1998 empowers the High Court and above to make a declaration of incompatibility where a provision of primary legislation is incompatible with a Convention right. A declaration does not strike down the legislation — Parliament retains sovereignty. But it places on record that Parliament has legislated in a way that violates fundamental rights, and it creates a fast-track power for ministers to amend the legislation under s.10 HRA 1998. Section 33(4) CSA 1991, combined with the financial interest of CMS in the outcome and the absence of any other forum capable of examining the debt, is a strong candidate for a s.4 declaration. This is the domestic route.

Reason 2: The ECtHR

Once domestic remedies are exhausted, the European Court of Human Rights can find that the UK has violated Article 6. A Strasbourg judgment does not strike down domestic legislation either — but it creates an obligation on the UK to bring its law into compliance. The UK has historically complied with adverse Strasbourg judgments, though the process can be slow. The structural parallel with Tsfayo v United Kingdom [2006] ECHR 981 — which also involved a body with a financial interest in the outcome and no independent tribunal able to rehear the facts — is direct. In Tsfayo, the UK lost.

Reason 3: Common law constitutional rights

Lord Hoffmann in R v Secretary of State for the Home Department ex parte Simms [2000] 2 AC 115: "Fundamental rights cannot be overridden by general or ambiguous words. This is because there is too great a risk that the full implications of their unqualified meaning may have passed unnoticed in the democratic process." Parliament can override fundamental rights — but must do so expressly and with full awareness of what it is doing. Where s.33(4) was enacted without Parliament expressly considering whether it violated natural justice, the rule in Simms requires the courts to interpret it narrowly where possible.

Furthermore, Lord Reed in Unison confirmed that where legislation would produce a result so extreme in its effects on constitutional rights that Parliament could not possibly have intended it, the courts will not give effect to it on that basis. Whether s.33(4) crosses that threshold in combination with the demonstrated defects in the summons and LO process is precisely the question for the Administrative Court.

5. How the CMS Process Violates Every Component

Principle	What It Requires	How the CMS Process Violates It
Procedural due process	Fair notice, opportunity to be heard on substance, independent decision-maker	Notice given via CMS-generated summons, not court process. Opportunity to be heard is hollow — s.33(4) bars examination of the debt. Decision-maker (Magistrates' Court) cannot examine the calculation. At bulk hearings: 48 cases simultaneously, defendant recorded absent when present.
Substantive due process	Laws themselves must be fair, reasonable, not arbitrary	Section 33(4) is not arbitrary in isolation — it was enacted to prevent re-litigation of calculations at the enforcement stage. But combined with: (1) no independent verification of calculations before enforcement; (2) CMS's financial interest in enforcement; (3) TCS BaNCS calculation engine with documented integrity issues; (4) no equivalent quashing power under s.82 LGA 2003 — the overall legislative scheme is disproportionate to any legitimate aim.
Audi alteram partem	Meaningful hearing on the substance	The paying parent attends the hearing but cannot address the calculation. The most important question — is the debt correct? — is not permitted. This is not hearing the other side. It is allowing the other side to be present while preventing them from speaking on the issue that matters.
Nemo iudex in causa sua	No financial interest in the outcome	CMS calculates the debt, applies for the order, earns 20% surcharge on collection. In the proposed ALO regime, CMS would also make the order. The financial interest is direct and documented. This violates the rule absolutely.
Rule of Law	Access to a court capable of examining legal obligations	No court in the current domestic structure can independently examine whether the debt asserted against the paying parent is correctly calculated at any stage of the enforcement process. This is confirmed by the combined effect of s.33(4), the s.111A time limit, and Tsfayo on judicial review.
Magna Carta / constitutional heritage	No person deprived of liberty or property without lawful process	People have been imprisoned (Parent B, 42 days HMP Peterborough) and had their homes charged under this process. The instruments underpinning these consequences have been confirmed by DWP as administrative

		templates, not court orders. Liberty and property have been taken without lawful process.

> *SOURCE: Magna Carta 1215 c.39 • Ridge v Baldwin [1964] AC 40 • Dimes v Grand Junction Canal (1852) 3 HL Cas 759 • R (Unison) v Lord Chancellor [2017] UKSC 51 • R v SSHD ex parte Simms [2000] 2 AC 115 • Tsfayo v United Kingdom [2006] ECHR 981 • s.4 HRA 1998 • s.33(4) CSA 1991 • DWP FOI2026/50177*

6. The Regime Continues While It Is Being Challenged — The Final Denial of Due Process

Every due process violation identified above would be serious in isolation. What makes the CMS enforcement regime in this case a complete denial of due process is the final documented fact: the regime continues to enforce, charge, and threaten while the lawfulness of the entire regime is being contested before the High Court.

This is not a theoretical point. It is documented in this case:

Date / Event	What Was Happening Simultaneously
7 May 2025 — Judicial review claim AC-2025-LON-001412 sealed	CMS enforcement active. Equita instructed. Enforcement agent correspondence continuing.
15 October 2025 — Original order: grounds "with merit"	CMS enforcement continues. No stay granted. No pause requested by GLD.
27 October 2025 — N244 application filed by Claimant	Enforcement continues. GLD applies slip rule without notice on 31 October 2025 — while the N244 is live and unheard.
9 February 2026 — Amended order: grounds now "without merit"	Enforcement continues. N244 still not determined. Claimant not notified before amendment.
27 March 2026 — MK bulk hearing, 48 simultaneous LOs	High Court JR live. N244 undetermined. Claimant removed from hearing after raising jurisdictional challenge. 48 orders made.
16 April 2026 — N161 appeal filed	Enforcement continues. N161 not acknowledged for ten weeks. No stay. Equita instructed throughout.
18 May 2026 — Formal liquidated damages notice to Equita	Equita confirmed it does not hold the LO. Enforcement continues regardless.
22 June 2026 — CMS declares matter concluded	High Court JR still active. N244 still undetermined — eight months. N161 still unanswered — ten weeks. CMS states it will not engage further.

25 June 2026 — DWP FOI confirms LO is a CMS template	GLD is defending the JR. Enforcement continues. No stay has ever been granted.
28 June 2026 — This document	Enforcement active. JR active. N244 undetermined. N161 unanswered. No independent forum has examined the lawfulness of the regime. The regime operates as though none of this is happening.

Why this is the complete denial of due process

Due process requires not merely that a challenge route exists but that the challenge has some prospect of affecting the conduct being challenged before irreversible harm occurs. In this case:

- A judicial review of the CMS enforcement regime has been active since May 2025. The regime has not paused.
- An application to stay enforcement was filed in the Administrative Court. No direction was issued. The regime continued.
- An N244 has been pending for over eight months. The regime continued throughout.
- An N161 appeal has been unanswered for over ten weeks. The regime continued throughout.
- DWP's own FOI team confirmed the LO is a CMS administrative template. The regime continued.
- Equita confirmed in writing it does not hold the LO. The regime continued.
- The SFO has an active referral. The regime continues.

The position is this: a person can challenge the lawfulness of the regime at the highest available domestic court, produce written admissions from the government's own departments that the instruments are not court orders, have those admissions placed before the court, and the enforcement continues regardless. There is no mechanism that connects a legal challenge to a pause in enforcement. The challenge and the enforcement run in parallel, on separate tracks, with no intersection.

THIS IS THE COMPLETE DENIAL OF DUE PROCESS: The regime is not merely difficult to challenge. It is designed so that challenges do not affect it. The court that is reviewing its lawfulness has not stopped it. The admissions of the government's own departments have not stopped it. The formal notices to the enforcement agent have not stopped it. The parliamentary questions have not stopped it. The SFO referral has not stopped it. The TVP crime recording has not stopped it. A regime that continues operating in the face of all of the above is not a regime that respects due process. It is a regime that has decided due process does not apply to it. That is not a legal system. That is a parallel enforcement regime operating outside the law while the law attempts to examine it.

The legal consequence

Where enforcement continues during judicial review proceedings and causes harm that cannot be undone — property charged, credit damaged, earnings seized, liberty removed — the court on a successful JR can award damages under s.8 HRA 1998 for the harm caused by the Convention violations during the period the challenge was pending. The continued enforcement during a live JR does not merely compound the unlawfulness. It creates additional, quantifiable heads of loss.

Furthermore, enforcement by Equita after formal written notice of the legal position, served on named directors who did not respond, is enforcement taken with full knowledge of the challenged lawfulness. That knowledge is relevant both to the quantum of any damages claim and to whether the conduct crosses into misfeasance in public office: Three Rivers District Council v Bank of England [2001] UKHL 16 — a public officer who acts knowing that the act is unlawful, or with reckless indifference to its lawfulness, commits the tort.

> *SOURCE: Documented chronology in AC-2025-LON-001412 • N244 filed 27 October 2025 (undetermined) • N161 filed 16 April 2026 (unanswered) • Enforcement pause application (no direction) • DWP FOI2026/50177 (25 June 2026) • Equita written admission (does not hold LO) • CMS letter 22 June 2026 (Ref 105795048) • s.8 HRA 1998 (damages for Convention violations) • Three Rivers DC v Bank of England [2001] UKHL 16 (misfeasance in public office)*

PART 5 — ARTICLE 6 ECHR — STRUCTURAL INCOMPATIBILITY

Article 6(1) ECHR guarantees a fair and public hearing before an independent and impartial tribunal established by law in the determination of civil rights and obligations. CMS enforcement proceedings determine civil rights and obligations. Article 6 applies in full.

5.1 'Established by Law' — Jurisdiction at the Summons Stage

The phrase "tribunal established by law" in Article 6 means the tribunal's jurisdiction in the particular case must derive from valid law properly applied: Coeme v Belgium [2000] 32 EHRR 5. If the summons was not validly issued through a lawful judicial process, the Magistrates' Court that makes the liability order has no valid jurisdiction. Its proceedings are not "established by law." Every liability order made on that foundation is made by a court without valid jurisdiction. The Article 6 violation arises before the defendant receives the first document.

5.2 Three Levels of Article 6 Denial at the Hearing

Level 1 — Structural exclusion. The CMS cover letter says "do not attend." The HMCTS notes page confirms the date is "for uncontested applications only." These documents together create a mechanism by which defendants are excluded from the hearing at which orders against them are made. Exclusion from one's own hearing violates audi alteram partem and Article 6: Feldbrugge v Netherlands (1986) 8 EHRR 425.

Level 2 — Physical exclusion by contesting. If a defendant attends to contest, the HMCTS notes page confirms the case is "put off to another hearing" — and the uncontested cases proceed to order without the defendant present. A defendant who asserts they are not liable is excluded from the proceeding that generates the order, however they respond.

Level 3 — Physical removal of representation. At the 27 March 2026 hearing, the lay representative was removed by security after raising the s.51 MCA 1980 jurisdictional challenge. Mr Nicholson — who has dyslexia, a condition listed in the McKenzie Friend Practice Guidance as grounds for right of audience — was left unrepresented. The order was made. This is the most acute and most directly evidenced Article 6 violation.

5.3 Section 33(4) — The Statutory Bar

The statutory prohibition on challenge to the underlying debt at the liability order hearing means the court makes orders on the bare assertion of CMS. The NAO has confirmed £29.7 million in incorrectly calculated amounts. Tsfayo v United Kingdom [2006] ECHR 981 established that a later appeal remedy cannot cure an Article 6 violation committed at an earlier stage. DJ Sharma directing respondents to Mandatory Reconsideration — an internal CMS process — is not an independent judicial remedy. It confirms he treated the order as a CMS administrative act, not a court order.

5.4 Section 4 HRA 1998 — Declaration of Incompatibility

Where primary legislation cannot be read compatible with a Convention right under s.3 HRA 1998, a court may issue a declaration of incompatibility under s.4. Section 33(4) CSA 1991 is unambiguous primary legislation. It cannot be read compatible with Article 6. Combined with the bulk hearing process, the administrative summons generation, the exclusion of defendants, and the removal of representation, the combined Article 6 case is strong. A s.4 declaration of incompatibility is the appropriate remedy in AC-2025-LON-001412.

PART 6 — CRIMINAL EXPOSURE

This Part sets out the legal framework for potential criminal offences identified by the research. These matters have been referred to the Serious Fraud Office and Thames Valley Police for professional investigation. This is not legal advice and does not constitute an allegation of criminal guilt against any named individual.

Offence	Statutory Basis and Application
Making a false instrument	Forgery & Counterfeiting Act 1981 s.1 (up to 10 years). A document purporting to have been made by a court when it was not is a false instrument under s.9(1)(g). Confirmed by DWP: the template is the only document constituting the order.
Using a false instrument	Forgery & Counterfeiting Act 1981 s.3 (up to 10 years). Serving, relying upon, or registering the template as a court order.
Fraud by false representation	Fraud Act 2006 s.2. Representing to enforcement agents, RTL, employers, or banks that the LO is a valid court order when it is not, with intent to cause gain.
Fraud by abuse of position	Fraud Act 2006 s.4. Civil servants in a position of trust abusing that position intending to cause gain or loss.
Perverting the course of justice	Common law — life imprisonment. Making orders without jurisdiction; removing representatives to prevent jurisdictional challenges; directing defendants away from the court on the day of their hearing.
Misconduct in public office	Common law — life imprisonment. Public officers wilfully neglecting duty or misconducting themselves in an abuse of the public's trust.

False imprisonment	Common law. Detaining a person under a void instrument. Every person imprisoned under a CMS-generated arrest warrant has a claim.
Laundering false instruments	Forgery Act s.3 / POCA 2002. Registering defective LOs with RTL as court orders, creating apparent legal title to funds without lawful basis.
Money laundering	Proceeds of Crime Act 2002. Collecting money under void instruments; using credit registrations to coerce payment without lawful authority.

PART 7 — TEN KEY ADMISSIONS

1

"This is the only document that constitutes the order."

— DWP Central FOI Team — FOI2026/50177 — 25 June 2026 — Page 7

2

"HMCTS provide approval to CMS to issue summons, CMS employees then physically post and certify the issue of the summons."

— DWP Central FOI Team — FOI2026/50177 — 25 June 2026 — Page 6

3

"Service from Plymouth does apply to summonses issued in respect of hearings at all courts across England and Wales."

— DWP Central FOI Team — FOI2026/50177 — 25 June 2026 — Page 6

4

"The Department does not hold the information within scope of your request in the form of legal advice." — No legal advice obtained on whether CMS is authorised to issue summonses.

— DWP Central FOI Team — FOI2026/50177 — 25 June 2026 — Page 10

5

"A summons was served on Mr Nicholson by the Secretary of State's agency, the Child Maintenance Service." — Judicial admission in live High Court proceedings.

— Government Legal Department — Z2500859 para 8 — AC-2025-LON-001412 — 9 March 2026

6

"The court does not produce physical liability orders anymore as there is no legal or business requirement to do so."

— HMCTS — WhatDoTheyKnow FOI response — liability_orders_36

7

"There is no statute which authorises (or prevents) a Local Authority from producing the Liability Order once it has been granted by the Magistrates."

— Karen Hamilton, Customer Investigations Officer — HMCTS — WhatDoTheyKnow

8 *"The administrative liability order regime has not been commenced. No commencement order exists." — Confirmed by two ministers in two Houses within days of each other.*

— DWP Minister written answer to Parliament — March 2026 / Baroness Sherlock to Lords Committee — March 2026

9 *"There is no order on the court file for case 2400113035. For a copy of the order please contact the Child Maintenance Service directly." — HMCTS Administrative Officer Veer, Thames Valley Customer Service Unit, Milton Keynes Magistrates' Court, confirmed in writing for the the Claimant's case. The court holds no Liability Order. The defendant is directed to CMS to obtain it. The court is directing the paying parent to the executive agency for a document the executive agency produced — because the court does not have it.*

— HMCTS officer Veer — Thames Valley Customer Service Unit — Milton Keynes Magistrates' Court — case reference 2400113035 — confirmed in writing

10 *"The court does not hold a court-issued summons for the hearing listed... there is no summons document stored or recorded as having been issued by a justice of the peace or an authorised court officer... The system does not hold a signed copy of the Liability Order... and no signed order is present within the digital record." — Leicester Magistrates' Court confirming in writing for the Parent B case that neither the summons nor the Liability Order was ever issued by or is held by the court. Parent B was imprisoned for 42 days at HMP Peterborough on the basis of an order the court confirms it never made.*

— HMCTS — Leicester Magistrates' Court — written confirmation — LO 821013797101 — Jarvis case — confirmed in writing

PART 8 — THE ARREST WARRANT CHAIN

A Marston Recovery arrest notice shows the field "The Magistrates Court that has issued the arrest warrant" completed as "CMS." CMS is not a court. CMS cannot issue an arrest warrant. Every arrest under such an instrument is unlawful. Every resulting detention is false imprisonment.

8.1 The Statutory Requirement

Section 125 MCA 1980: a warrant may only be executed where issued by a justice of the peace. Criminal Procedure Rule 18.2: every warrant must be signed by the issuing justice. CMS is neither. There is no provision anywhere in English law authorising CMS to issue an arrest warrant.

8.2 The Eight-Step Chain

1	**CMS Calculates Debt** CMS calculates arrears using its own internal system. The calculation cannot be challenged at the liability order hearing — s.33(4) CSA 1991 expressly prohibits this.

2	**CMS Issues Its Own Summons** DWP confirmed: "HMCTS provide approval to CMS to issue summons, CMS employees physically post and certify the issue." No justice of the peace issues the summons. No court reference is assigned.

3	**Bulk Hearing** CMS requests hearing space from the Magistrates Court. Paying parents told not to attend. Evidence documents 48 simultaneous orders at a single hearing with no individual judicial consideration.

4	**HMCTS System Notification** HMCTS records "G — Granted" in Libra. This triggers the DWP/CMS subsidiary system to update the CMEL7298 template electronically.

5	**CMS Template Updated — This Is the "Order"** DWP confirmed: "This is the only document that constitutes the order." No court officer produces it. It is an administrative record.

6	**CMS Instructs Enforcement Agent** CMS instructs Marston Recovery as sole provider. Marston's arrest notice shows CMS as the issuing court of the arrest warrant.

7	**Arrest by Enforcement Agent** Marston agents attend. They present an arrest notice showing CMS as the issuing court. Marston holds an HMCTS AEA contract for criminal warrants simultaneously with its CMS civil debt contract.

8	**Police Receive and Detain** The paying parent is taken to a police station. Police process the detained person without checking whether the warrant was issued by a court. People have been imprisoned for 42 days under this process.

Every link in this chain is broken. The summons has no court origin. The order is a CMS template. The arrest warrant shows CMS as issuing court. The arrest is unlawful. The detention is false imprisonment. This is confirmed by DWP's own Freedom of Information responses.

8.3 Equita — Enforcement Under a Criminal Contract

Equita Limited (now part of ColX Group) has acted as a CMS enforcement agent against Parent A (the Claimant). What follows is a complete documented analysis of Equita's legal position. The conclusion is precise: every enforcement act Equita has performed in this case is without lawful authority, because there is no valid court order from which any enforcement power can derive, no publicly registered contract authorising Equita to act, and no Schedule 12 TCEA 2007 warrant on which enforcement can proceed. Equita is acting under what can only be described as a criminal contract — criminal because exercising coercive enforcement powers against a person's property and liberty without legal foundation is not a civil irregularity. It is an offence.

EQUITA'S OWN WRITTEN ADMISSION: Equita confirmed in writing that it does not hold the Liability Order. The enforcement agent instructed to take control of goods has confirmed in its own correspondence that it does not hold the court document that is the legal precondition for every power it is purporting to exercise.

8.3.1 The Legal Precondition for Every Enforcement Power

Every power an enforcement agent holds in a CMS case derives from a single statutory chain. That chain has three links, each depending on the one before:

21. A valid Liability Order must be made by a Magistrates' Court — s.33 CSA 1991. The court makes the order. Not CMS.
22. The Secretary of State's distress power under s.35(1) CSA 1991 arises only "where a liability order has been made." If no valid order exists, the power never arises.
23. The enforcement agent's authority flows from the Secretary of State's distress power — Regulation 30(2) SI 1992/1989. The agent must carry written authorisation from the Secretary of State and produce it on request. Without a valid order at link 1, every subsequent link fails.

A Schedule 12 warrant of control under the Tribunals, Courts and Enforcement Act 2007 can only derive from a valid court order. There is no Schedule 12 warrant where there is no valid court order. The Taking Control of Goods Regulations 2013 (SI 2013/1894) and the Taking Control of Goods (Fees) Regulations 2014

(SI 2014/1) both presuppose a valid Schedule 12 warrant. Without one, every fee charged, every letter sent, and every visit to the property is without legal basis.

> *SOURCE: s.33 CSA 1991 • s.35(1) CSA 1991 • Reg.30(2) SI 1992/1989 • Schedule 12 TCEA 2007 • SI 2013/1894 • SI 2014/1 • DWP FOI2026/50177 p.7*

8.3.2 The Underlying Order Does Not Exist

DWP confirmed on 25 June 2026 in FOI2026/50177, page 7: “This is the only document that constitutes the order.” The document referred to is the CMEL7298 template — a CMS administrative record updated electronically by a DWP subsidiary system. It is not a court order. HMCTS confirmed across multiple courts that no signed, court-issued Liability Order is held on any court file. There is no court order. Without a court order there is no s.35 power. Without an s.35 power there is no Regulation 30(2) authority. Without Regulation 30(2) authority, Equita has nothing.

> *SOURCE: DWP FOI2026/50177 p.7 • HMCTS written confirmations — Leicester, MK, Brighton • HMCTS officer Veer email confirmation*

8.3.3 The Secret Contract — Not on Public Contracts Finder

Under the Public Contracts Regulations 2015 (SI 2015/102), contracts for public services above threshold must be published on the Government’s Public Contracts Finder. A search of Public Contracts Finder discloses no contract between DWP or CMS and Equita Limited for enforcement services. The contract under which Equita purports to act is not publicly registered. It is, in the precise sense, a secret contract — a contract conferring coercive powers over members of the public that has never been made publicly available as required by law.

Furthermore, the DWP’s own published enforcement contract — which is on Public Contracts Finder — is with Qualco UK Limited, not with Equita Limited. Qualco UK is a debt management software company, not a field enforcement agency. The publicly registered contract is with a different entity entirely. Equita’s field enforcement operations are conducted under a contract that does not appear in any publicly accessible register. If the contract cannot be produced on demand, its very existence cannot be verified.

> *SOURCE: Public Contracts Finder — gov.uk • Public Contracts Regulations 2015 SI 2015/102 • DWP contracts register*

8.3.4 No Statutory Delegation Instrument

The delegation of a public enforcement power to a private contractor requires express statutory authority. The Child Support Act 1991 and the Child Support (Collection and Enforcement) Regulations 1992 do not contain any provision authorising the Secretary of State to delegate the distress power under s.35 to a private enforcement company. No statutory instrument has been identified that provides this delegation. Equita purports to act under powers that the statute vests in the Secretary of State, without any statutory instrument delegating those powers.

This is not a minor procedural point. It means Equita has no statutory authority for anything it does. It cannot enter premises. It cannot take control of goods. It cannot send a threatening letter relying on enforcement powers it does not possess. Every communication to the paying parent implying that Equita has legal powers to seize property is a false representation.

> *SOURCE: s.35 CSA 1991 • SI 1992/1989 • no delegation SI identified on legislation.gov.uk*

8.3.5 Equita Now Part of CoIX Group

Equita Limited is now part of ColX Group. This corporate restructuring is relevant to questions of which entity holds any contract and which entity bears liability for enforcement actions. If enforcement actions were taken by Equita Limited as a legal entity that has since been restructured into ColX Group, questions arise about successor liability and which entity should be the defendant in any civil claim arising from unlawful enforcement. This is a matter for qualified legal advice in any individual case.

8.3.6 What Happened in This Case

The following is the documented sequence of enforcement action by Equita in the the Claimant's case:

Date	Event
April 2026	Equita issued an enforcement notice seeking payment under purported Liability Order LO 821021683812. The notice implied Equita had legal powers to take control of goods.
18 May 2026	Christina Little served a formal liquidated damages notice on Equita. The notice set out the complete legal analysis: no valid court order, no Schedule 12 authority, no registered contract, no statutory delegation. It quantified the claim and demanded a response within 14 days.
18 May 2026	Equita confirmed in writing in response to the challenge that it does not hold the Liability Order. This is a written admission by the enforcement agent that it lacks the foundational document required for every power it is purporting to exercise.
18 May 2026 onwards	Equita went silent. No substantive response to the liquidated damages notice. No response to the Schedule 12 challenge. No response to the letter before action. Enforcement continued.
24 June 2026 (deadline)	Final warning letters were sent personally to three named directors of Equita/ColX Group. The letters placed each director individually on notice of personal liability under the tort of misfeasance in public office (Three Rivers DC v Bank of England [2001] UKHL 16) and the Protection from Harassment Act 1997. The deadline for response was 24 June 2026.
After 24 June 2026	No response received from any director. The 24 June deadline has passed. All enforcement steps taken after that date, with formal notice of the legal position in the hands of named directors, are taken with full knowledge of the unlawfulness.

8.3.7 What Equita Cannot Do — The Criminal Position

Because there is no valid court order, no Schedule 12 warrant, no registered contract, and no statutory delegation, Equita cannot lawfully:

- **Visit the property — any visit is trespass**
- **Send letters implying legal enforcement powers — each letter is a false representation under the Fraud Act 2006 s.2**
- **Take control of goods — any taking is wrongful interference with goods under the Torts (Interference with Goods) Act 1977 and theft under the Theft Act 1968 s.1**
- **Charge fees — all fees charged without Schedule 12 authority are recoverable under SI 2014/1 Taking Control of Goods (Fees) Regulations 2014**

- **Threaten arrest — any threat of arrest where no valid court-issued warrant exists is a threat of unlawful arrest, constituting assault at common law and harassment under PHA 1997**

A course of conduct pursuing enforcement after written notice that the underlying instrument is void, causing alarm and distress to a household with children, satisfies every element of criminal harassment under s.2 Protection from Harassment Act 1997. This is not a civil irregularity that requires a court order to stop. It is a criminal offence that can be reported directly to the police.

8.3.8 The Criminal Contract

The phrase “criminal contract” is not rhetorical. It describes the precise legal position. A contract to exercise coercive enforcement powers against members of the public is only lawful if it is underpinned by valid statutory authority at every link in the chain. Where the underlying court order is void, the Schedule 12 warrant cannot exist, the statutory enforcement powers are not available, and the contract purporting to grant those powers to a private company is a contract to do something that cannot lawfully be done. Performing it causes cognisable harm. The performance of it after formal notice constitutes the criminal offences set out above.

> **The contract between CMS and Equita, whatever its terms, cannot authorise Equita to exercise powers that CMS itself does not have. CMS does not have the power to levy distress under s.35 CSA 1991 because there is no valid court order from which that power derives. A contract cannot transfer a power that the transferor does not hold. Equita therefore holds no enforcement powers in this case. Every enforcement act is without authority. Every act performed after the formal notices of 18 May 2026 and the director letters of June 2026 is performed with knowledge of the unlawfulness.**

> *SOURCE: Equita written admission (does not hold LO) • Liquidated damages notice served 18 May 2026 • Schedule 12 formal challenge • Director personal warning letters June 2026 • DWP FOI2026/50177 p.7 • Public Contracts Finder (no registered Equita contract) • Three Rivers DC v Bank of England [2001] UKHL 16*

8.4 — Intelligence Hypothesis: Does CMS Write to Libra, or Does HMCTS Write to CMS?

DWP confirmed in FOI2026/50177 that the CMEL7298 template is updated electronically "once HMCTS confirms that the order has been granted and their records have been updated" via "a DWP and CMS subsidiary system that interfaces with the HMCTS system."

This raises a critical technical question that has not yet been confirmed by primary source evidence and must be treated as an intelligence hypothesis pending FOI investigation: is the data flow one-way (HMCTS pushes a result notification to DWP/CMS) or two-way (CMS can write back to Libra)?

> **THE HYPOTHESIS: The Libra extract for CMS cases shows "G — Granted" as the complete judicial record. No named justice. No evidence recorded. "Defendant Present: NO" even for defendants who attended. The question is whether these minimal Libra entries are created by HMCTS staff entering a result — or whether they are generated automatically by the CMS2012/BaNCS system writing to Libra**

> **through the data interface. If the latter, CMS may be making its own Libra entries, which would explain why they are so sparse and why no judicial officer is named. This is unconfirmed. It is an intelligence target.**

What IS confirmed from primary sources:

- **HMCTS Libra is described as holding "Outcome of the court case" data extracted for MoJ statistics — National Data Library confirmed.**
- **Common Platform is described as "a digital infrastructure system shared between the police, HMCTS and the Crown Prosecution Service" — GOV.UK reform programme documentation confirmed.**
- **The CJS Exchange was specifically used for "point-to-point data sharing of systems like Libra (HMCTS) and COMPASS (CPS)" — MoJ Digital blog confirmed. CMS2012/BaNCS could interface through the same infrastructure.**
- **DWP confirmed the subsidiary system "interfaces with the HMCTS system, allowing information to be exchanged and records to be updated accordingly" — FOI2026/50177 p.6. The phrase "updated accordingly" suggests a bidirectional or at minimum active relationship, not merely passive receipt.**
- **Common Platform allows prosecuting organisations to register for direct case management access. Whether DWP/CMS is registered as a prosecuting organisation — which would give it write access, not just read access — has never been confirmed or denied.**

The implications if the hypothesis is correct are severe. If CMS employees entering results into the DWP subsidiary system are also causing Libra entries to be created or updated, then the Libra extract is not an independent court record. It is a CMS administrative record that has been reflected back into the court system. The apparent court record would be circular: CMS creates the template, CMS writes to Libra, Libra confirms the result, the template is "updated" from the Libra confirmation. No judicial act would have occurred at any point in that loop.

This hypothesis is not asserted as fact. It is asserted as an urgently required FOI target. The following questions must be answered:

24. Does DWP/CMS have write access to Libra or Common Platform, or read access only?
25. Who creates the Libra entry for CMS liability order cases — a court officer, or an automated system process?
26. Is DWP/CMS registered as a prosecuting organisation on Common Platform? If so, what level of access does that registration provide?
27. What is the complete data flow specification for the interface between CMS2012/BaNCS and HMCTS Libra/Common Platform?
28. Does the DWP/CMS subsidiary system send data TO Libra, or only receive data FROM Libra?

> *SOURCE FOR HYPOTHESIS BASIS: DWP FOI2026/50177 p.6 • National Data Library — Libra dataset entry (data.gov.uk) • insidehmcts.blog.gov.uk • GOV.UK HMCTS reform programme • MoJ Digital blog — "Opening up data in the criminal justice system" 2015*

> *THIS SECTION CONTAINS AN UNCONFIRMED INTELLIGENCE HYPOTHESIS. The paragraph above is clearly labelled as such. It is not asserted as fact. It is asserted as the most important unanswered question in the technical architecture of this regime. FOI investigation is required before any assertion of fact can be made.*

PART 9 — FALSE IMPRISONMENT ON A FICTITIOUS DEBT

A man from Northamptonshire was imprisoned for 42 days at HMP Peterborough from 18 November 2025. He was imprisoned for non-payment of a debt that bank records and payment evidence demonstrate he did not owe. The Liability Order used to imprison him was granted at a bulk hearing. Leicester Magistrates Court confirmed in writing that it holds no court-issued summons and no signed copy of the Liability Order for his case.

Names have been removed to protect privacy. The evidence is held in full and has been submitted to the relevant authorities.

9.1 What Leicester Magistrates Court Confirmed in Writing

- "This court does not hold a court-issued summons for the hearing listed... there is no summons document stored or recorded as having been issued by a justice of the peace or an authorised court officer... the court is unable to confirm any destruction date, destruction authorisation, or applicable retention policy."
- "The system does not hold a signed copy of the Liability Order... and no signed order is present within the digital record... the court is unable to provide a certified signed copy of the liability order."
- "The extract is the court's register entry for the relevant dates... A liability order was made. The extract represents the full register information held for that date."

The certified Libra extract records: case type CS91501; Result: G — Granted; Defendant Present: NO; Informant: CMS Child Maintenance Service; Register Notes: blank. That single letter "G" is the entire judicial record of a decision that put a man in prison for 42 days for a debt he did not owe.

"G" — one letter — is the complete judicial record of a decision that caused 42 days of imprisonment. No evidence recorded. No named justice. No signed order. No register notes. One letter.

9.2 Systemic False Recording

The certified Libra extract records "Defendant Present: NO" despite the defendant having attended the bulk hearing. This is not an isolated clerical error. Across every Libra extract obtained in this research, the field records "Defendant Present: NO" regardless of whether the defendant attended. Orders recorded as made in the defendant's absence attract stricter review requirements on challenge. By systematically recording defendants as absent, the system creates a paper record that understates the true nature of proceedings and insulates orders from scrutiny they would otherwise attract.

9.3 The Debt Was Paid — CMS Proceeded Anyway

Bank records and payment evidence demonstrate that maintenance payments were made throughout the relevant period. CMS was provided with this evidence and refused to correct the debt. CMS proceeded to enforcement — and ultimately to committal — on a debt it had been shown did not exist. Continuing to threaten imprisonment of a person who has been shown by bank records not to owe the debt, using instruments a court has confirmed it never issued, after that person has already served imprisonment for the same fictitious debt, is not enforcement. It is the deliberate enforcement of a known false debt.

> *Section 33(3) CSA 1991 requires the court to be satisfied that payments are due and unpaid. If payment records demonstrate the debt was paid, the statutory precondition cannot have been genuinely satisfied. The court was deceived. That is fraud.*

PART 10 — ALL AVAILABLE AVENUES TO CHALLENGE, APPEAL, AND CLAIM

This Part sets out every available legal route for paying parents facing CMS enforcement. Each route is described with its scope, deadline, and what it can and cannot achieve. This is research only — not legal advice — seek qualified assistance before acting.

10.1 The Challenge Routes Compared

Each forum is listed with what it can examine and whether it pauses enforcement. None of them sees the full picture. This fragmentation is structural, not accidental.

FORUM — SCOPE — PAUSES ENFORCEMENT?	Detail
Mandatory ReconsiderationNO enforcement pause	Internal CMS process. CMS reviews its own calculation only. Cannot examine the summons, the order, or the process. Not independent.
First-tier TribunalNO enforcement pause	Examines the maintenance calculation only. Cannot quash the order. Cannot award damages. Does not examine the summons or process.
N161 / s.111A MCA 1980 Family CourtNO automatic stay — s.113 required separately	Examines the order and process. 21-day strict time limit from the LO date — no extension. Cannot examine the calculation (s.33(4) still applies).
Judicial Review — Administrative CourtYES if stay granted (discretionary, urgent application needed)	Can examine the entire process: summons, order, Article 6, statutory framework. The only forum for s.4 HRA 1998 declaration of incompatibility. No automatic stay. Court fees apply. Legal aid limited.
County Court N244Partial — stops property enforcement only	Sets aside void LO and derived instruments. Best route for charging order challenges. Lancaster rejection 8 June 2026 validates this route.

HMCTS Complaint / PHSO / ICENO enforcement pause	Administrative complaints only. Does not affect the order or enforcement. Can create a record of institutional failure.

10.2 Immediate Action Steps — Prioritised

29. File N161 (s.111A MCA 1980 appeal) immediately if within 21 days of the Liability Order. This is the most time-critical step. Form N161. No leave required. Grounds: s.33(3) not met; McKenzie Friend removed; court exceeded jurisdiction. NOTE: this does not automatically stay enforcement — also file s.113 stay application.
30. Apply for stay of enforcement under s.113 MCA 1980 to the Magistrates Court. Short witness statement exhibiting: the N161 filing; the GLD para 8 admission; DWP FOI2026/50177 admission; HMCTS officer Veer email confirmation; three children in household. Apply urgently.
31. File N244 in County Court for stay of enforcement and declaration that the Liability Order is void. This is separate from the N161 and can be filed at the same time. Exhibit DWP FOI2026/50177 and the Lancaster County Court rejection.
32. Write to the Magistrates Court demanding the certified Libra register extract for your case. If no Libra entry exists — there is no order. This is your evidence.
33. Write to Registry Trust Limited demanding the basis of any credit registration and production of the court order on which it is based. If they cannot produce a court order, apply for removal under Article 17 UK GDPR.
34. Write to the enforcement agent formally. State: "Under s.35(1) CSA 1991, your power arises only where a valid liability order has been made. Produce: (1) the court case reference; (2) evidence the order is on the court file; (3) written authorisation under Reg.30(2) SI 1992/1989. If you cannot produce these, you have no lawful authority and any levy will constitute trespass."
35. Apply to the Administrative Court for urgent interim relief (CPR r.54.10) to stay all enforcement pending the judicial review permission decision.
36. Contact your MP immediately. The Work and Pensions Select Committee is actively scrutinising CMS enforcement. Your MP can ask parliamentary questions and escalate to the Independent Case Examiner.

10.3 Liquidated Damages Notice — Against Enforcement Agents and CMS

A liquidated damages notice is a formal demand document served on the enforcement agent and CMS simultaneously. It quantifies your claim and creates a paper trail for County Court proceedings. It is also pre-action notice under the Civil Procedure Rules Pre-Action Practice Direction, which requires a response within 14-30 days. Silence is itself evidence of inability to validate the instrument being enforced.

- Serve on the enforcement agent: claiming damages for unlawful interference with goods under Schedule 12 TCEA 2007; trespass to goods; recovery of all fees charged without Schedule 12 authority under the Taking Control of Goods (Fees) Regulations 2014; compensation for distress.

- Serve on CMS simultaneously: as instructing principal, CMS may be liable in respect of tortious acts committed by the enforcement agent in carrying out instructions. Claiming under the tort of misfeasance in public office (Three Rivers DC v Bank of England [2001] UKHL 16; [2003] 2 AC 1); fraud by false representation (Fraud Act 2006 s.2); harassment (PHA 1997 s.2).
- Give 14 days to respond. Require any response asserting lawful authority to be verified by a statement of truth under CPR r.22. A false statement of truth is contempt of court under CPR r.32.14.
- If no response within 14 days: issue County Court proceedings. File N244 for stay of enforcement simultaneously. Their silence is the evidence of no valid instrument.

10.4 County Court Claim — Causes of Action Available

Cause of Action	Basis
Misfeasance in public office	Three Rivers DC v Bank of England [2001] UKHL 16; [2003] 2 AC 1. Named officials exercising power with knowledge of its unlawfulness causing loss. Evidence: GLD admission + continued enforcement after formal notice.
Harassment	Protection from Harassment Act 1997 s.2 (civil claim s.3). Course of conduct after written notice that the instrument is void — causing alarm and distress. No cap on damages.
False imprisonment	Common law. Claim for every period of unlawful detention under void instruments. Damages include the period of detention and consequential loss.
Unlawful deduction from wages (only if DEO issued without valid calculation)	Employment Rights Act 1996 Part II. NOTE: a DEO does not require a Liability Order (s.31 CSA 1991). However, if the underlying maintenance calculation is shown to be wrong, deductions made under it may be challengeable. Three-month time limit from each deduction. Employment Tribunal.
Unjust enrichment / restitution	Money had and received. Any sum collected under a void instrument is recoverable. No liquidated damages clause required.
Breach of statutory duty	s.41B CSA 1991 duty to repay sums collected without liability. CMS has a statutory obligation to repay.

PART 11 — PLAIN ENGLISH — WHAT IS HAPPENING AND WHAT YOU CAN DO

This section is for paying parents and their families. It explains in plain language what this research has found. It does not replace legal advice. Always try to get qualified legal help.

What Is Happening to You

If you have received a document from the Child Maintenance Service called a "Complaint and Summons" or a "Liability Order," this research suggests those documents may not be what they claim to be. They look like court documents. Based on the evidence gathered, including admissions from DWP's own Freedom of Information team, they are generated by the Child Maintenance Service on their own computer system — not by the court.

What Should Happen by Law

37. CMS must make a formal complaint to the court — not to itself.
38. A magistrate or authorised court officer must review that complaint individually and decide whether to issue a summons. They must do this for each case, not in bulk.
39. The court must issue the summons through its own system, which generates a court reference number.
40. A record must be kept of who authorised the summons.
41. At the hearing, the court must be genuinely satisfied you owe the debt before making any order.

The Key Questions to Ask

- Does your summons have a court case reference number? (Not a CMS reference starting with 12...) If not, ask the court to confirm the summons was issued through its system.
- Who authorised your summons? The court is required to keep a record of this person's name. Ask for it in writing.
- Is there a court order on the court file? Ask the court directly — not CMS.
- If an enforcement agent has attended, have they confirmed they hold a court order? Two CMS officials have confirmed on recorded calls: "there are no court orders — they're memorandums."
- If your calculation is wrong, have you requested Mandatory Reconsideration and appealed to the First-tier Tribunal? These are the only routes to challenge the calculation — the court cannot help because s.33(4) prevents it.

Important: The Court Cannot Look at Whether the Debt Is Real

There is a law — section 33(4) of the Child Support Act 1991 — that says the court is not allowed to question whether your maintenance calculation is correct or whether any money is actually owed. This means: even if CMS has made a mistake, even if you have already paid, even if the debt does not exist — the court cannot examine this at the liability order hearing. The National Audit Office has confirmed that CMS accounts contain approximately £29.7 million in incorrectly calculated amounts. People are receiving court orders for debts that may not exist and cannot tell the court.

What to Do If You Are Facing This Process

- Do not ignore summons or hearing notices. Even if the process is unlawful, ignoring it can make things worse. Orders can be made in your absence.

- Write to the court — not just CMS. Ask the court directly to confirm: whether a complaint was formally made to the court in your case; who authorised your summons; whether a court order is on file.
- Keep every document. Every CMS letter, every document sent as a "liability order" — keep copies of all of them.
- If you have received a liability order you can appeal it. Under s.111A MCA 1980 you can appeal to the Family Court on grounds the decision was wrong in law or the court exceeded its jurisdiction. You must file Form N161 within 21 days of the order. This deadline is strictly enforced. Seek legal advice immediately.
- Challenge any credit record entry. If a liability order has been registered against your credit record, write to Registry Trust Limited asking for the court order on which it is based. If they cannot produce one, apply for removal under UK GDPR Article 17.
- If you are at risk of committal (prison), treat this as urgent. Get legal advice immediately. Contact your MP.
- Contact your MP. The Work and Pensions Committee is scrutinising CMS enforcement. Your MP can ask parliamentary questions about your case.

Where to Get Help

Resource	Contact and What They Can Help With
Law Centres Network	Free legal advice on civil cases including enforcement — lawcentres.org.uk
Civil Legal Advice	Government legal aid for those who qualify — gov.uk/civil-legal-advice
First-tier Tribunal (Social Entitlement)	Independent appeal of maintenance calculation — free — appeal-benefit-decision on gov.uk
WhatDoTheyKnow	Submit and read FOI requests about CMS — free — whatdotheyknow.com
BAILII	Free access to all UK court judgments — bailii.org
legislation.gov.uk	Free access to all UK Acts and Statutory Instruments
thecmsfilesuk.netlify.app	Templates, guides, evidence, dossier download — The CMS Files
CALM	Free confidential helpline for men in crisis — 0800 58 58 58 — 5pm to midnight daily

PART 12 — CASE LAW AND STATUTORY REFERENCE

12.1 Primary Legislation

Legislation	Key Sections and Significance

Child Support Act 1991	ss.33(1)(3)(4) — application for LO, satisfaction test, structural bar; s.33(5) — RTL registration; s.35 — distress/bailiffs; s.36 — charging orders; s.40 — committal; ss.32M/32N — uncommenced ALO regime
Magistrates' Courts Act 1980	s.51 — JP must authorise summons; s.111A — appeal from LO (21 days); s.113 — stay pending appeal; s.123 — defects of form (cannot cure absent jurisdiction)
Human Rights Act 1998	ss.3, 4, 6 and Schedule 1 Art.6 — fair trial; Art.5 — right to liberty; Art.8 — family life; A1P1 — peaceful enjoyment of possessions
Courts Act 2003	ss.67A, 67B — authorised court officers; s.98 — register of judgments
Forgery and Counterfeiting Act 1981	ss.1, 3, 9(1)(g) — false instruments
Fraud Act 2006	ss.2, 3, 4 — false representation, abuse of position
Protection from Harassment Act 1997	ss.1, 2, 3 — course of conduct; civil remedy; damages without cap
Equality Act 2010	s.19 — indirect discrimination; s.149 — public sector equality duty
Theft Act 1968	s.1 — dishonestly appropriating property without lawful authority

12.2 Key Case Law

Case	Principle and Application
R v Manchester SM ex parte Hill [1983] 1 AC 328 (HL)	JP must apply judicial mind before summons issues — absolute jurisdictional precondition — never overruled
R v Brentford Justices ex parte Catlin [1975] QB 455 (CA)	No magistrate can delegate individual adjudication to any body including a computer system — never overruled
Farley v Child Support Agency [2006] UKHL 31 (HL)	s.33(4) only escapes Anisminic strict interpretation where adequate alternative remedies exist — those remedies are now shown to be inadequate in practice
Tsfayo v United Kingdom [2006] ECHR 981 (ECtHR)	Later appeal does not cure earlier Art.6 violation — violation committed at enforcement stage
Coeme v Belgium [2000] 32 EHRR 5 (ECtHR)	Tribunal must be established by law — jurisdiction must derive from valid law properly applied
Three Rivers DC v Bank of England [2001] UKHL 16 (House of Lords)	Misfeasance in public office — public officer + power + knowledge of unlawfulness + loss — personal liability
Porter v Magill [2002] 2 AC 357 (HL)	Apparent bias test — fair-minded informed observer — applies to DJ Sharma's undisclosed 10-year FTT Social Entitlement Chamber role

Williams v East Northamptonshire DC [2016] EWHC 470 (Admin)	Court must authorise individual summons — billing authority serves but does not issue
Peacekeepers Foundation v Liverpool MC [2025] EWHC 1493 — CA-2025-1566 pending	Bulk delegation unlawful challenge — same constitutional question as CMS summons ground — Court of Appeal pending
Anisminic Ltd v FCC [1969] 2 AC 147 (HL)	Strict interpretation required for ouster clauses — directly relevant to s.33(4) where alternative remedies are inadequate

12.3 Key Secondary Legislation

Statutory Instrument	Key Provision
SI 1992/1989 (Collection and Enforcement Regulations)	Reg.28(1) — application "by way of complaint" to magistrates' court
SI 2019/1367 (Amendment Rules 2019)	Rule 98 — summons requirements; removes signature requirement but maintains JP authorisation record duty
SI 2020/284 (Authorised Persons Rules 2020)	Schedule para (d) — court officer may issue summons at request of public authority — constitutionality challenged in Peacekeepers CA-2025-1566
SI 2021/763 (Amendment Regulations 2021)	Abolished Schedule 1 (prescribed form of LO) from September 2021 — no prescribed form since
MCR 1981 Rule 66	Mandatory register entry — every adjudication must be recorded — order exists only when recorded

PART 13 — CASE LAW: VERIFIED AND TRIPLE-CHECKED

This Part sets out the case law relied upon in this document. Every citation has been verified against primary sources on BAILII (bailii.org) or official parliamentary records. Where a case did NOT succeed, that is stated clearly. No case is described as authority for a proposition it does not support. This is research — not legal advice.

VERIFIED CASE LAW — SOURCED FROM BAILII AND PRIMARY RECORDS

13.1 On Summons Jurisdiction — The Absolute Foundation

> *"A magistrate must go through the judicial exercise of deciding whether a summons ought to be issued. If he authorises its issue without applying his mind to the information, he is guilty of a dereliction of duty... a practice of summonses being issued without any consideration by a*

> *magistrate would be a very serious instance of maladministration."* — *Lord Roskill — R v Manchester Stipendiary Magistrate ex parte Hill [1983] 1 AC 328 (House of Lords)*

VERIFIED: [1983] 1 AC 328. House of Lords. Never overruled. Directly on point. The judicial exercise requirement is an absolute precondition of valid jurisdiction. This is the foundational case for the summons invalidity argument.

> *Source: BAILII — bailii.org/uk/cases/UKHL/1983 — confirmed in force*

13.2 On Delegation of Judicial Functions

> *"No magistrate can delegate his individual adjudication to any body, including a computer system, or allow bulk processing to substitute for individual judicial consideration."* — *Principle from R v Brentford Justices ex parte Catlin [1975] QB 455 (Court of Appeal)*

VERIFIED: [1975] QB 455. Court of Appeal. Never overruled. Confirmed as good law in Peacekeepers [2025] EWHC 1493 at paragraph 93 where the court acknowledged the general principle, though refused JR permission on the specific facts of that council tax case. The principle itself — that judicial functions cannot be delegated to a computer or bulk process — remains good law.

> *Source: [1975] QB 455 — confirmed in Peacekeepers [2025] EWHC 1493 Admin para 93*

13.3 On the Parallel Challenge — Peacekeepers — What It Actually Decided

NOTE ON ACCURATE USE OF THIS CASE: Peacekeepers Foundation v Liverpool and Knowsley Magistrates Court [2025] EWHC 1493 (Admin) is the most recent case on the question of bulk liability order hearings and delegated summons issuing. It must be used accurately.

Aspect	What the Case Actually Decided
Outcome	PERMISSION REFUSED — 17 June 2025, Hill J. Grounds 4–9 certified as totally without merit.
Subject matter	Council tax liability orders — not CMS. The statutory framework differs significantly.
Summons delegation	Court held the 2020 Rules (SI 2020/284) authorise issuing of summons by court staff. This finding applies to council tax. CMS operates differently — CMS employees not court staff issue the summons from Wolverhampton, confirmed FOI2026/50177.
Physical order	Court confirmed Magistrates Courts do not produce or serve paper orders. A register extract proves the order was made. NOTE: this is consistent with the CMS argument — but the CMS register extract shows "G" with no named justice, no notes, and "Defendant Present: NO".
Court of Appeal	Court of Appeal (CA-2025-1566) has accepted the application for permission to appeal. Not yet decided. Cannot be cited as authority.
CMS distinction	CMS is distinguishable: (1) CMS employees not court staff issue summons; (2) issued from Plymouth nationally not from individual courts; (3) DWP confirmed no legal advice obtained on authority; (4) DWP confirmed the template is the only LO document. These are not present in council tax cases.

> *Source: [2025] EWHC 1493 (Admin) — BAILII bailii.org/ew/cases/EWHC/Admin/2025/1493.html — Court of Appeal CA-2025-1566 pending*

13.4 On Article 6 — Independent Tribunal

> *"There was never the possibility that the central issue would be determined by a tribunal that was independent of one of the parties to the dispute. It followed that there had been a violation of Article 6(1)." — European Court of Human Rights — Tsfayo v United Kingdom [2006] ECHR 981 (Application 60860/00) — 14 November 2006*

VERIFIED: [2006] ECHR 981. ECtHR. The housing benefit review board was not independent because its members were councillors out of whose budgets any successful benefit claim would come. The judicial review available was insufficient because the High Court could not rehear the evidence or substitute its own view on the central factual question. Application to CMS: CMS is the applicant for the liability order and the body administering the debt. Mandatory Reconsideration is an internal CMS process. The First-tier Tribunal examines the calculation only — not the order. At no stage is the central issue — whether the debt is owed — determined by a tribunal independent of CMS.

> *Source: ECHR Application 60860/00 — echr.coe.int — confirmed in force — cited in Tomlinson v Birmingham CC [2010] UKSC 8*

13.5 On Misfeasance in Public Office

> *"The tort of misfeasance in public office is designed to target the deliberate and dishonest abuse of power. A public officer is liable where they act with knowledge of, or reckless indifference to, the unlawfulness of their act and knowledge of, or reckless indifference to, the probability that it would cause loss to the claimant." — Lord Steyn — Three Rivers DC v Governor and Company of the Bank of England [2001] UKHL 16 (House of Lords)*

VERIFIED: [2001] UKHL 16. House of Lords. This is the definitive modern statement of the tort. Key elements confirmed: (1) public officer; (2) exercising public power; (3) bad faith — either targeted malice or reckless indifference; (4) knowledge or reckless indifference that the claimant would suffer loss. A deliberate and vindictive act targeted at the claimant is NOT required. Reckless indifference is sufficient. Application to CMS: after formal written notice of the arguments in this document, continued enforcement with reckless indifference to the probability that loss would be caused satisfies the Three Rivers test.

> *Source: [2001] UKHL 16 — publications.parliament.uk/pa/ld199900/ldjudgmt/jd000518/rivers-1.htm — confirmed in force*

13.6 On Establishing Court Jurisdiction

> *"Jurisdiction over a defendant is only established where the originating process is valid. An order made without valid originating process is a nullity." — Principle from R v Brentford JJ ex parte Catlin [1975] QB 455 and ex parte Hill [1983] 1 AC 328 — applied in Williams v East Northamptonshire DC [2016] EWHC 470 (Admin)*

VERIFIED: Williams v East Northamptonshire DC [2016] EWHC 470 (Admin). High Court. Confirmed that it is the court that must issue the summons in council tax proceedings; the local authority serves but does not issue. The distinction between issuing and serving was there applied to council tax. The same distinction in the CMS context is confirmed by GLD para 8 and FOI2026/50177.

> *Source: [2016] EWHC 470 (Admin) — BAILII bailii.org/ew/cases/EWHC/Admin/2016/470.html*

13.7 On Judicial Review Principles

> *"The court must be satisfied that there is an arguable ground for judicial review which has a realistic prospect of success. Even if arguable, the court must refuse permission if it appears highly likely that the outcome would not have been substantially different." — CPR r.54.4 and Senior Courts Act 1981 s.31(3C) — applied in Peacekeepers [2025] EWHC 1493 at para 4*

VERIFIED: The threshold for judicial review permission is arguability with realistic prospect of success. The arguability of the CMS summons/LO grounds is stronger than the council tax grounds in Peacekeepers because: (a) DWP admitted no legal advice obtained on CMS summons authority; (b) DWP admitted CMS employees not court staff issue summons; (c) DWP admitted the template is the only LO document; (d) the court registry has no signed order. None of those admissions were present in Peacekeepers.

> *Source: Senior Courts Act 1981 s.31(3C) as amended by Criminal Justice and Courts Act 2015 s.84*

13.8 On False Imprisonment

False imprisonment is established where a person is detained without lawful authority. The detention need not be in a prison — any unlawful restraint of liberty suffices. The burden shifts to the detaining party to justify the detention once it is established: Christie v Leachinsky [1947] AC 573 (House of Lords). Murray v Ministry of Defence [1988] 1 WLR 692 (Court of Appeal) confirmed the right to know the reason for detention.

VERIFIED: Murray v MoD [1988] 1 WLR 692. Court of Appeal. Confirmed that where a person asserts they were detained, the burden shifts to the detaining party to establish lawful justification. Where the arrest warrant shows CMS — not a Magistrates Court — as the issuing authority, and where s.125 MCA 1980 requires the warrant to be issued by a justice of the peace, lawful authority cannot be established.

> *Source: [1988] 1 WLR 692 — Court of Appeal — confirmed in force*

13.9 On Harassment

A course of conduct amounts to harassment under the Protection from Harassment Act 1997 s.1 where it occurs on at least two occasions and the person knew or ought to have known it constituted harassment. The civil remedy under s.3 includes damages and an injunction. There is no cap on damages. A defendant cannot rely on a claim to be enforcing a debt to escape liability where the instrument being enforced has been formally challenged as void: Levi v Bates [2015] EWCA Civ 206.

> *Source: Protection from Harassment Act 1997 ss.1, 2, 3 — legislation.gov.uk — Levi v Bates [2015] EWCA Civ 206 BAILII*

13.10 On Restitution of Money Paid Under Void Instruments

Money paid under a void instrument is recoverable as money had and received (unjust enrichment / restitution). There is no need to establish a tort. The payer need only show the defendant was enriched at their expense without lawful basis: Kleinwort Benson v Lincoln CC [1999] 2 AC 349 (House of Lords). CMS funds collected under void liability orders are recoverable on this basis independently of any tortious claim. The statutory obligation to repay is also confirmed by s.41B CSA 1991.

> *Source: [1999] 2 AC 349 — House of Lords — s.41B Child Support Act 1991 — legislation.gov.uk*

PART 14 — THE LEGAL CHALLENGE PROCESS: STAGE BY STAGE

This Part maps out every available route for challenging CMS enforcement from the moment of first contact through to the highest courts and regulatory bodies. It is research — not legal advice. Always seek qualified legal assistance. Where a step has a hard time limit, that limit is shown in bold.

CRITICAL TIME LIMITS: N161 appeal must be filed within 21 days of the Liability Order. Judicial review pre-action protocol requires letter before action 14 days before filing claim. Employment Tribunal claims for unlawful wage deductions must be filed within 3 months of each deduction. These limits are strict and are rarely extended.

Stage 1 — First Contact: Summons Received

When you receive a summons from CMS, this is the first point at which you can act. Do not ignore it. Even an unlawful summons, if ignored, can lead to a valid order being made by default.

42. Write to the court immediately — not to CMS — asking: (a) who is named as the issuing officer on the summons; (b) whether a justice of the peace or authorised court officer approved the issue of this summons and their name; (c) the court case reference number assigned to your case. Send by recorded delivery. Keep the receipt.
43. Write to CMS by recorded delivery: "Under section 51 of the Magistrates' Courts Act 1980 and ex parte Hill [1983] 1 AC 328, a summons requires the individual authorisation of a justice of the peace or authorised officer. Please confirm in writing: (a) who authorised this summons; (b) their name and capacity; (c) the court case reference number. Pending this confirmation I reserve all rights."
44. Contact your MP immediately. Ask them to write to DWP and the relevant court requesting confirmation of the above. Parliamentary correspondence receives faster responses than individual letters.
45. Seek legal advice. Law Centres (lawcentres.org.uk) provide free advice. Civil Legal Advice (gov.uk/civil-legal-advice) may provide legal aid if you qualify.

Stage 2 — Before the Hearing: Contesting

46. File Form N161 with the Magistrates Court — this is your notice that you contest the application. ❖ Do NOT rely on the CMS cover letter instruction to call CMS instead. The HMCTS notes page confirms: if you contest, the case is adjourned. File the form, do not just call CMS.
47. Apply to the court for an adjournment to obtain legal advice and to challenge the process. You have a right to be heard. The HMCTS notes page itself confirms contested cases are adjourned.
48. Attend the hearing if you can. Bring your recorded delivery receipts. Bring copies of any response (or non-response) from the court and CMS. Ask the court in person for the name of the person who authorised the summons.
49. If a McKenzie Friend is available, bring them. If the McKenzie Friend is removed, state for the record: "I object to the removal of my McKenzie Friend on the grounds that I have dyslexia [or other stated reason]. I request an adjournment to obtain legal representation." Ask the court to record your objection.

Stage 3 — After the Liability Order: Immediate Challenge

❖ TIME LIMIT: 21 days from the date of the Liability Order to file an N161 appeal under s.111A MCA 1980. This is a strict limit.

50. File Form N161 at the Family Court (not Magistrates Court) within 21 days. Grounds: (a) court had no valid jurisdiction — s.51 MCA 1980 and ex parte Hill; (b) s.33(3) satisfaction test not met — CMS presented no individual evidence; (c) McKenzie Friend unlawfully removed (if applicable); (d) DWP admitted in FOI2026/50177 that the summons was issued by CMS not the court.
51. File a s.113 MCA 1980 stay application with the Magistrates Court simultaneously. This is a separate application to stop enforcement while the N161 appeal is heard. Without it, enforcement continues. Include a witness statement exhibiting: the N161 filing confirmation; DWP FOI2026/50177; the GLD para 8 admission; HMCTS officer letter confirming no order on court file; and details of children in the household.
52. Request the certified Libra extract from the court. This is the court's register entry for your case. If the extract shows "G" only, with no named justice, no evidence recorded, and "Defendant Present: NO" when you attended, that is evidence for your N161.
53. File Form N244 in the County Court applying for a declaration that the Liability Order is void and a stay of all enforcement. Exhibit FOI2026/50177 and the Lancaster County Court rejection (8 June 2026) as comparable authority.

Stage 4 — Judicial Review (JR) in the Administrative Court

Judicial review is the most comprehensive remedy. It can challenge the entire CMS enforcement process, the summons, the order, and the statutory framework. It is also the only route that engages s.4 HRA 1998 (declaration of incompatibility).

54. Pre-action protocol letter: before filing a JR claim, you must send a pre-action protocol letter (PAP) to the defendant (the Secretary of State / HMCTS as appropriate). Give 14 days to respond. State the grounds clearly: summons void — s.51 MCA 1980; order void — s.33(3); Article 6 incompatibility; misfeasance. Attach key evidence: FOI2026/50177; GLD para 8; Libra extract; HMCTS officer letter.
55. If no satisfactory response in 14 days: file Form N461 (Permission Application) in the Administrative Court. Include a detailed Statement of Facts and Grounds. Apply simultaneously for urgent interim relief (CPR r.54.10) to stay all enforcement pending the permission decision.
56. At the permission stage the court must be satisfied there is an "arguable ground with realistic prospect of success" (Senior Courts Act 1981 s.31). The admissions in this document — all sourced and confirmed — provide the evidential foundation for arguability.
57. If permission granted: the case proceeds to a full hearing. At full hearing, the court may: quash the Liability Order; declare the process incompatible with Article 6 under s.4 HRA 1998; award damages under s.8 HRA 1998; grant injunctive relief stopping all enforcement.
58. Costs in JR: if you lose at permission stage without legal representation, costs risk is limited. If you obtain permission and have legal aid or CFA funding, costs can be managed. Protective costs orders (PCOs) are available in public interest cases: Corner House Research v SSFTA [2005] EWCA Civ 192.

> *Forms: N461 (JR application), N463 (urgent stay) — available free at gov.uk/government/collections/administrative-court-guidance*

Stage 5 — N1 County Court Claim (Civil Damages)

A civil damages claim in the County Court is filed using Form N1. This is a claim for money — compensation for harm caused by unlawful enforcement. It runs separately from and in parallel with any JR or N161 proceedings.

59. Causes of action (each is a separate legal basis — you can plead multiple): misfeasance in public office (Three Rivers [2001] UKHL 16); harassment (PHA 1997 s.3); false imprisonment (if arrested or detained); restitution of money collected under void instrument (Kleinwort Benson [1999] 2 AC 349); unjust enrichment; breach of statutory duty (s.41B CSA 1991).
60. File using Form N1. For claims up to £10,000 use the Small Claims procedure (fast, low cost, no solicitor required). For claims over £10,000 use the Fast Track or Multi-Track (more complex, consider legal advice).
61. Pre-action: send a Letter Before Claim (LBC) at least 14 days before filing (CPR Pre-Action Protocol for debt and general claims). Attach your evidence. Require a response verified by a statement of truth under CPR r.22. Silence or a false response is itself evidence.
62. Limitation periods: misfeasance — 6 years; harassment — 6 years; false imprisonment — 6 years; HRA claims — 1 year from the breach (s.7(5) HRA 1998). Act promptly.

Stage 6 — Misfeasance in Public Office — Detailed Guidance

Misfeasance is the most powerful cause of action against named CMS officials. The elements from Three Rivers [2001] UKHL 16 are:

Element	How to Establish It in a CMS Case
1. Public officer	CMS Enforcement Managers and named officials are civil servants exercising public functions. Confirmed by DWP.
2. Exercising public power	Issue of summons, production of LO, instruction to enforce — all exercises of purported public enforcement power.
3. Bad faith: reckless indifference	After this document and the FOI admissions were served formally on CMS, continued enforcement with knowledge of the arguments is reckless indifference to the probability of unlawfulness. Targeted malice is NOT required (Three Rivers).
4. Knowledge/reckless indifference to loss	Serving this document formally creates the evidential record. From that date, continued enforcement is enforcement with knowledge that loss to the paying parent is the probable consequence.
5. Causation	Financial harm: money collected; credit record damaged; property charged. Each is direct consequential loss from the enforcement act.

Serving this document on named CMS officials by recorded delivery creates the evidential record that they received formal notification of the arguments and evidence. Continued enforcement after that date strengthens the misfeasance case. Keep every receipt.

Stage 7 — Private Prosecution — How It Works

Under section 6(1) of the Prosecution of Offences Act 1985, any individual may bring a private prosecution in England and Wales. This is a constitutional right preserved by Parliament. No prior permission from the police, CPS, or any other authority is required for most offences. This is a route — not a recommendation. The legal, practical, and evidential requirements are demanding. Specialist legal advice is essential before commencing a private prosecution.

The right is subject to two limitations: (a) the Director of Public Prosecutions has power under s.6(2) POA 1985 to take over the prosecution and either continue it or discontinue it; (b) some specific offences require the consent of the Attorney General or DPP before proceedings begin. Forgery, fraud, and misfeasance do not require such consent.

63. Identify the specific offence and defendant. For example: s.1 Forgery and Counterfeiting Act 1981 (making a false instrument) against named officials who sign or produce the CMEL7298 template as a court order. Fraud Act 2006 s.2 (false representation) against named officials who serve the template on paying parents as if it were a court order.
64. Lay an information at the Magistrates Court. This is the formal starting process. You attend the Magistrates Court and lay an information — a formal statement of the alleged offence — before a

justice of the peace or authorised court officer. Since 2018, under the Criminal Procedure Rules, a non-public-authority prosecutor must provide a concise outline of the grounds, disclose previous relevant proceedings, and provide an affidavit.

65. The magistrate or authorised officer decides whether to issue a summons to the proposed defendant. The threshold is lower than the CPS Full Code Test. However, the court has a duty to refuse a summons where it is clearly an abuse of process.
66. If the summons is issued, the prosecution proceeds. Crucially: the CPS may apply to take it over under s.6(2). If they do, they must apply the Full Code Test. If they take it over and intend to discontinue it, they must notify the private prosecutor in writing with reasons.
67. Evidence requirements: the criminal standard is beyond reasonable doubt. The evidence in this document — FOI2026/50177, GLD para 8, HMCTS officer confirmations, the Marston arrest notice, the Libra extract — provides a prima facie evidential foundation. Specialist criminal lawyers must assess whether the standard can be met.

> *Source: Prosecution of Offences Act 1985 s.6 — legislation.gov.uk — CPS guidance on private prosecutions — cps.gov.uk/prosecution-guidance/private-prosecutions*

Private prosecutions have succeeded in significant public interest cases. RSPCA uses the power routinely. The Post Office Horizon scandal involved private prosecutions brought by a public body that were later shown to be unsafe — a reminder that the power carries responsibility for evidential rigour and disclosure obligations identical to those of public prosecutors under the Criminal Procedure and Investigations Act 1996.

PART 15 — FORMAL NOTICE AND LIQUIDATED DAMAGES TEMPLATE

This Part contains: (1) a Formal Notice to be served on the enforcement agent; (2) a Liquidated Damages Notice to be served simultaneously on CMS as principal; and (3) the Schedule 12 TCEA 2007 challenge wording. These are template frameworks — not legal advice — adapt to your circumstances and seek qualified assistance.

TEMPLATE 1 — FORMAL SCHEDULE 12 CHALLENGE TO ENFORCEMENT AGENT

FORMAL NOTICE UNDER SCHEDULE 12 TRIBUNALS, COURTS AND ENFORCEMENT ACT 2007

Date: [DATE]

To: [NAME OF ENFORCEMENT AGENT / COMPANY]

Re: [YOUR NAME] — Reference [ENFORCEMENT NOTICE REFERENCE]

I write as [your name], the person against whom you have taken or are threatening enforcement action. This is a formal notice under Schedule 12 of the Tribunals, Courts and Enforcement Act 2007 (TCEA 2007) and the Taking Control of Goods Regulations 2013 (SI 2013/1894).

1. REQUIREMENT TO PRODUCE AUTHORITY

Under Schedule 12 TCEA 2007, paragraph 17, an enforcement agent must, if requested, provide the debtor with a copy of the writ or warrant under which the enforcement agent is acting. I formally request production of:

(a) The court case reference number of the Liability Order on the basis of which you are acting;

(b) A certified copy of the Liability Order bearing the court seal, the court case reference, and the signature or name of the justice of the peace or court officer who made it;

(c) The writ of control or warrant of control issued by the court authorising your enforcement — required by Schedule 12 TCEA 2007 paragraph 1;

(d) The statutory instrument or written authorisation under which the Child Maintenance Service delegated enforcement powers to your company.

2. NOTICE OF LEGAL POSITION

Be advised that: (a) The Department for Work and Pensions confirmed in FOI2026/50177 dated 25 June 2026 that "this is the only document that constitutes the order" — referring to the CMEL7298 template produced by CMS. The court produces no separate order. (b) The Government Legal Department confirmed at paragraph 8 of the acknowledgement of service in AC-2025-LON-001412 that the summons was served by the Child Maintenance Service, not the court. (c) HM Courts and Tribunals Service has confirmed in writing that no court-issued summons and no signed liability order is held on the court file for this case. (d) A Schedule 12 warrant can only derive from a valid court order. DWP's own admission confirms no such order exists.

3. CONSEQUENCE OF NON-PRODUCTION

If you cannot produce the documents requested in paragraph 1: (a) You have no lawful authority to take control of goods under Schedule 12 TCEA 2007; (b) Any entry to my premises will constitute trespass; (c) Any taking of goods will constitute wrongful interference with goods under the Torts (Interference with Goods) Act 1977; (d) Any fees already charged without Schedule 12 authority are recoverable under the Taking Control of Goods (Fees) Regulations 2014; (e) I will apply to the court under CPR r.85.2 for an order setting aside any enforcement notice.

Please respond in writing within 7 days. Any response asserting lawful authority must be verified by a statement of truth under CPR r.22.1. A false statement of truth is contempt of court under CPR r.32.14.

Signed: _______________ — [NAME] — Date: _______________

TEMPLATE 2 — LIQUIDATED DAMAGES NOTICE TO CMS AND ENFORCEMENT AGENT

FORMAL NOTICE OF LIQUIDATED DAMAGES

LETTER BEFORE CLAIM UNDER THE CPR PRE-ACTION PROTOCOLS

Date: [DATE]

To: (1) Child Maintenance Service, Department for Work and Pensions, Mail Handling Site A, Wolverhampton WV98 1LU

And: (2) [NAME OF ENFORCEMENT AGENT], [ADDRESS]

FORMAL NOTICE: This is a Letter Before Claim under the Civil Procedure Rules Pre-Action Protocols and a Formal Notice of Liquidated Damages. You are required to respond within 14 days. This letter will be placed before the court.

BASIS OF CLAIM

1. The Department for Work and Pensions confirmed in FOI2026/50177 (25 June 2026, page 7) that "this is the only document that constitutes the order" — referring to the CMEL7298 template. No court-issued order exists. 2. The Government Legal Department confirmed at paragraph 8 of the acknowledgement of service in judicial review AC-2025-LON-001412 that the summons in this case was served by the Child Maintenance Service, not issued by the court. 3. HMCTS has confirmed in writing that no court-issued summons and no signed liability order is held on the court file. 4. Section 35(1) CSA 1991 (enforcement by distress), s.36(1) (charging orders), and s.40(1) (committal) each require a valid liability order as a precondition. No valid liability order exists. 5. The enforcement agent has no Schedule 12 TCEA 2007 authority because there is no court order from which a warrant of control can derive. 6. The enforcement agent contract between CMS and [agent name] does not appear on the Government's Public Contracts Finder as required by the Public Contracts Regulations 2015.

SCHEDULE OF LOSSES

I claim the following losses caused by unlawful enforcement:

(a) Enforcement agent fees charged without Schedule 12 authority: £[AMOUNT] — recoverable under the Taking Control of Goods (Fees) Regulations 2014

(b) Sums deducted from earnings or bank account under void instrument: £[AMOUNT] — recoverable under s.41B CSA 1991 and as unjust enrichment

(c) Costs of challenging the void instrument: £[AMOUNT] — recoverable as damages for misfeasance in public office

(d) Alarm, distress and anxiety caused by course of conduct after formal notice of void instrument: [AMOUNT] or to be assessed — harassment under PHA 1997 s.3

(e) Loss arising from Land Registry restriction/charge registered on basis of void instrument: [AMOUNT or description of loss] — damages for wrongful registration

WHAT IS REQUIRED

Within 14 days of this notice, I require: (1) Immediate cessation of all enforcement action; (2) Written confirmation that you hold a valid court-issued liability order bearing a court case reference, court seal, and the name of the issuing justice — verified by statement of truth under CPR r.22; (3) If no such order exists: written confirmation of that fact, return of all sums collected, removal of any RTL credit registration, release of any Land Registry restriction, and payment of my losses as set out above.

If I do not receive a satisfactory response within 14 days, I will issue proceedings in the County Court without further notice. I will also apply for an injunction under PHA 1997 s.3 to prevent further enforcement contact, and will refer the matter to the Serious Fraud Office, Thames Valley Police, and the Independent Case Examiner.

Signed: _______________ — [NAME] — Date: _______________

These templates are research frameworks only. They are NOT legal advice. Every case is different. Seek qualified legal advice before serving any formal notice. Serving documents in legal proceedings without understanding their implications can have costs and procedural consequences.

THE SLIP RULE EPISODE: A CASE STUDY IN INSTITUTIONAL CAPTURE

This section documents in precise chronological order the sequence of events surrounding the amendment of the Order of 15 October 2025 in AC-2025-LON-001412. Every step is evidenced by primary documents held by the Claimant. No step is asserted without documentary foundation. The sequence, taken as a whole, is not explicable as a series of administrative errors. It is the documented operation of a system in which the defendant communicates with the court outside the knowledge of the claimant, the claimant's pending applications are buried, and procedural rights are removed without notice or hearing.

THE CENTRAL FACT: An order that said the grounds were totally "WITH MERIT" was amended by the court, without notice to the claimant, while the claimant's N244 was pending, after the claimant had specifically told the court not to act on GLD's application, to say "WITHOUT MERIT" — removing the claimant's right to an oral renewal hearing. The N244 has still not been determined over eight months later.

The Chronological Record — All Sourced

Date	Event and Source
15 October 2025	Order signed by Richard Kimblin KC (Deputy High Court Judge). Reasons(4) states: "Each of those grounds is totally WITH merit for the reasons given in the

	Defendant's Summary Grounds." SOURCE: Original sealed order AC-2025-LON-001412
16 October 2025	Order sealed by the Administrative Court Office. SOURCE: Seal date on original order
27 October 2025	Christina Little files N244 application to set aside or vary the Order under CPR 3.1(7) on grounds of procedural irregularity and factual error. N244 is a live court application. SOURCE: N244 filing record
31 October 2025	Ryan Jummun (GLD Ref Z2500859) emails the Administrative Court without notice to the Claimant or Lay Representative, purporting to invoke the slip rule under CPR 40.12 to amend the Order. SOURCE: GLD email 31 October 2025 (primary document held by claimant)
31 October 2025 (same day)	Christina Little emails the Administrative Court on the same day, noting: (1) a live N244 was filed 27 October 2025; (2) any amendment while the N244 was pending would prejudice the Claimant's right to a fair determination; (3) the amendments requested are substantive, not clerical slips, and fall outside CPR 40.12; (4) the GLD correspondence should not be acted upon pending determination of the N244; (5) all further communications regarding the Order should be copied to the Claimant or Lay Representative. SOURCE: Christina Little email 31 October 2025 (primary document held)
Unknown date — between Oct 2025 and Feb 2026	The court closes the case while the N244 is pending. The N244 is not determined before closure. The claimant is not notified of the closure. SOURCE: Claimant's subsequent discovery of case closure
14 January 2026	Ryan Jummun emails the Administrative Court to chase the outcome of his slip rule application. He was not copied to the Claimant or Lay Representative. He describes the proposals as intended to "correct and clarify the decision." SOURCE: GLD email 14 January 2026 (primary document held)
9 February 2026	Amended Order sealed. "WITH merit" changed to "WITHOUT merit." Order also amends chronology of Reasons(2). Case is reopened solely to process GLD's application. Claimant not notified before amendment made. Claimant not served with amended order in advance. SOURCE: Amended sealed order AC-2025-LON-001412
After 9 February 2026	Claimant discovers case was closed and reopened. Raises with the court that the N244 filed 27 October 2025 has not been determined. Court confirms N244 is still outstanding. SOURCE: Claimant's correspondence with Administrative Court
26 June 2026	N244 filed 27 October 2025 remains undetermined — over eight months after filing. The amendment to the order removing the Claimant's oral renewal right was made while this application was live and has never been reversed. SOURCE: Current live position in AC-2025-LON-001412

The Legal Analysis

I. The Slip Rule Cannot Reverse a Substantive Finding

CPR 40.12 provides that "the court may at any time correct an accidental slip or omission in a judgment or order." The jurisdiction is restricted to accidental transcription errors — cases where the court's clear intention was expressed wrongly. It cannot be used to correct substantive errors, add reasoning, clarify a decision, or reverse a finding on the merits: LexisNexis Practice Note on CPR 40.12 — "This jurisdiction is restricted to genuine slips or omissions — the operative word is 'accidental' — it cannot be used to correct substantive errors."

The original order said: "Each of those grounds is totally WITH merit." The amended order says "WITHOUT merit." These are opposite findings. The question of which represents the judge's clear intention cannot be resolved by GLD asserting it was a slip. If the judge wrote "with merit" as his clear conclusion — having based his primary refusal on delay in Reasons(3) rather than the merits — then "with merit" was his decision. The slip rule cannot reverse it. If it was a transcription error, evidence was required: a note of what the judge intended, a draft, a statement from the judge's clerk. None was produced in GLD's 31 October 2025 email. GLD simply asserted the change should be made.

> *SOURCE: CPR 40.12 • LexisNexis Practice Note on slip rule • White Collar Legal CPR 40.12 analysis (February 2026)*

II. The Amendment Removed the Claimant's Procedural Rights Without Notice or Hearing

Under CPR 54.12(7): "Where the court refuses permission to proceed and records the fact that the application is totally without merit in accordance with rule 23.12, the claimant may not request that decision to be reconsidered at a hearing." This means the TWM certification closes the oral renewal route entirely. The only recourse is a paper application to the Court of Appeal under CPR 52.8(2).

Before the amendment, the order said the grounds were "with merit." CPR 54.12(7) did not apply. The Claimant may have had the right to seek an oral renewal. After the amendment, "without merit" — CPR 54.12(7) applied — oral renewal closed. The amendment had a direct procedural consequence: it removed a right. Removing a right without notice or hearing is a violation of the audi alteram partem principle, which is a fundamental common law right and a requirement of Article 6 ECHR.

> **The amendment was made: (1) without notice to the Claimant; (2) while the Claimant's N244 was pending before the same court; (3) after the Claimant had specifically told the court not to act on GLD's application pending the N244 determination; (4) without any hearing; (5) without any notification to the Claimant before the amended order was issued. Each of those circumstances is independently a procedural violation. Together they constitute a complete denial of the right to be heard.**

> *SOURCE: CPR 54.12(7) • R(Grace) v SSHD [2014] EWCA Civ 1091 (TWM means bound to fail) • CPR 52.8(2) (Court of Appeal paper route)*

III. The Case Was Closed While the N244 Was Live

The N244 filed on 27 October 2025 was a live court application. The court's closure of the case while the N244 was pending is not a neutral administrative act. Either the court closed the case without checking whether live applications were pending — which is an administrative failure — or the case was closed in circumstances where the N244 was not recorded, processed, or allocated, with the effect that it disappeared from the active caseload.

The case was then reopened. The resealing of the amended order on 9 February 2026 is itself the act of reopening — but the case was reopened solely to process GLD's application. The N244 was not processed when the case reopened. It was only when the Claimant raised it that the N244 was acknowledged as still outstanding.

The sequence is: (1) live N244 filed; (2) case closed — N244 buried; (3) GLD chases — case reopened for GLD's benefit; (4) amendment made in GLD's favour; (5) N244 still not determined. This is not administrative inefficiency. It is a structural pattern in which the defendant's applications are processed and the claimant's applications are not.

IV. Communications Not Copied to the Claimant as Requested

The Claimant specifically requested on 31 October 2025 that all communications between the Defendant and the Court regarding the Order be copied to the Claimant or Lay Representative. This request was not complied with. GLD's email of 14 January 2026 was not copied to the Claimant. No communications between the court and GLD in the period 31 October 2025 to 9 February 2026 were copied to the Claimant. The order was amended without the Claimant's knowledge.

This is not merely a procedural oversight. It is the specific circumstance that enabled the amendment to be made without the Claimant having any opportunity to be heard. If the communications had been copied, the Claimant would have been aware of GLD's January 2026 chase and could have renewed her objection before the court acted. The failure to comply with the Claimant's explicit request directly caused the Claimant to be denied any opportunity to respond before her procedural rights were removed.

V. GLD's Own Language Confirms the Amendment Was Not a Slip

GLD's 14 January 2026 email describes the proposals as intended to "correct and clarify the decision." Clarification is not within the scope of CPR 40.12. The slip rule corrects what was accidentally expressed wrongly — it does not clarify what was expressed ambiguously. GLD's own characterisation of its application as one of "correction and clarification" demonstrates that what was sought was not the correction of an accidental transcription error but a substantive improvement and explanation of the order.

This is confirmed by the nature of the amendments themselves. Reasons(2) required changing dates and adding information about sealing — that requires knowledge of court records, not merely the correction of a typo. Reasons(4) required inserting language tying the "without merit" finding to GLD's own Summary Grounds — that requires a substantive characterisation of the judge's reasoning by one of the parties. Neither amendment is what the slip rule exists for.

> *SOURCE: GLD email 14 January 2026 (primary document) • CPR 40.12 • LexisNexis Practice Note • A Slip-Rule-y Slope, LPC Law*

VI. The Costs Award Is Undermined

Reasons(7) of the original order assessed GLD's costs at £3,686.73 on the basis that the Summary Grounds of Defence were of "very high quality indeed." GLD's slip rule application acknowledged that an error in the order arose from "mixing the Claim Form date with the Defendant's Summary Grounds." If the SGD contained information that fed an error into the court's reasons, the characterisation of the SGD as of "very high quality" is undermined by GLD's own submission. The costs award rests on a quality assessment that GLD's own subsequent conduct calls into question.

The Broader Significance

This sequence is not an isolated procedural irregularity. It is the CMS enforcement process in miniature. At every stage, the same pattern: the state body communicates with the institution without the affected party; the affected party's formal objections are not acted upon; the institution acts in the state body's favour; the affected party's procedural rights are reduced or removed; and the process continues without any independent scrutiny.

The permission judge read GLD's summary grounds and produced an order in language that, by GLD's own slip rule application, required GLD's own submissions to explain it. The amendment was made after GLD's private communication with the court. The case was closed and reopened without the Claimant's knowledge. The N244 — the Claimant's formal application to the court — remains undetermined after eight months.

> **THIS IS THE DOCUMENTED ABSENCE OF INDEPENDENCE. It is not alleged. It is proved by the primary documents. The defendant communicated privately with the court. The court acted on those communications. The claimant's competing application was buried. The claimant's procedural rights were removed without notice or hearing. A full independent investigation into the conduct of AC-2025-LON-001412 — and the pattern of which it forms part — is required.**

THE COURT REGISTER — DEEP ANALYSIS: WHY NO ONE SIGNS AND THE MISSING EQUIVALENT

This Part answers three precise questions that flow from the register analysis: (1) Is the court register entry itself legally defective in the CMS context? (2) Why does no magistrate or judge sign the Liability Order, and could CMS be signing these themselves? (3) Does the Child Support Act 1991 contain an equivalent to s.82 of the Local Government Act 2003 — the power to quash a defective liability order at the magistrates' court level? The absence of that equivalent is a significant legislative gap with direct consequences for every paying parent.

1. Is the Court Register Entry Legally Defective?

The direct answer requires distinguishing two questions: (a) is the register itself required and maintained lawfully? and (b) does the content of the register entries reflect a legally valid process? These are different questions with different answers.

The register itself is required and maintained

Rule 66(1) Magistrates' Courts Rules 1981 is in force. HMCTS maintains Libra as the electronic register. The requirement is being complied with at the administrative level — a register exists and entries are made. HMCTS confirmed in FOI 910531 (December 2022) that the register is the definitive record and is now held purely digitally.

What the register entries record may not reflect a legally valid process

This is the precise legal issue. A register records proceedings. If the proceedings themselves were legally defective — if there was no valid complaint by the Secretary of State, no judicial mind applied, no individual scrutiny of each case — then the register entry accurately records a defective proceeding. The entry does not cure the defect. It memorialises it.

Three specific defects in the Libra entries are documented in this analysis:

68. **The informant field records "CMS Child Maintenance Service" not "Secretary of State." Section 33(1) CSA 1991 requires the Secretary of State to apply. The prescribed form of the liability order in Schedule 1 to SI 1992/1989 is headed: "On the complaint of the Secretary of State for Social Security…" The informant on the register is not the statutory applicant. This is not corrected by Carltona — Carltona permits functions to be exercised by civil servants but does not alter the identity of the applicant before the court.**
69. **The defendant is recorded as absent when attendance was documented by witnesses. A false register entry under Rule 66(1)(a) (a minute of every adjudication) is not merely an administrative irregularity. It is the definitive record being inaccurate. Since HMCTS has confirmed the register is the definitive record, a false entry in it is a false definitive record.**
70. **No judicial officer is identified in the entry. Rule 66(2) requires the register to include, where relevant, the judge, magistrate or justices' legal adviser by whom a decision was made. The Libra extracts examined contain no such identification. The order cannot be attributed to any identifiable judicial officer.**

> **LEGAL DEFECT IN THE REGISTER ENTRIES: The Libra entries for CMS liability orders are defective in three documented respects: wrong informant, false attendance record, no named judicial officer. Since HMCTS has confirmed the register is the definitive record, these are defects in the definitive record itself. The entries record proceedings that appear not to have complied with the statutory requirements. This is not an assertion that the register is maintained in breach of Rule 66 — it is an assertion that what the register records does not reflect proceedings conducted in accordance with the law.**

> *SOURCE: Rule 66(1) and (2) MCR 1981 • HMCTS FOI 910531 (December 2022) • SI 1992/1989 Schedule 1 (prescribed form) • s.33(1) CSA 1991 • Certified Libra extracts • Witness evidence of attendance at 27 March 2026 hearing*

2. Why Does No Magistrate or Judge Sign the Liability Order?

This requires understanding what happened to the signature requirement and what the current legal position is.

Before 1 January 2020: signatures were required

Prior to the Magistrates' Courts (Amendment) Rules 2019 (SI 2019/1126), summonses required a signature by the justice of the peace or authorised court officer. This provided a documentary chain: JP authorised summons → signed summons → case proceeds → order made → register entry. The chain was imperfect in practice but at least provided a paper trail.

From 1 January 2020: signature requirement removed from summonses

SI 2019/1126 removed the signature requirement from summonses and warrants in civil proceedings. The GOV.UK guidance confirmed: "They remove the requirement for signatures on summonses and warrants." The rationale was to enable digital and electronic process. This change did not remove the requirement for a JP or authorised court officer to "apply their mind" under s.51 MCA 1980 and ex parte Hill [1983] 1 AC 328 — it merely meant that the authorisation no longer had to be evidenced by a physical signature.

But here is the critical consequence: without a signature, there is no documentary evidence that any JP or authorised officer applied their mind to any summons before it was issued. The authorisation step became invisible. It may or may not have occurred. There is no record either way.

The Liability Order: the form was prescribed but no signature requirement survived

Schedule 1 to the Child Support (Collection and Enforcement) Regulations 1992 (SI 1992/1989) prescribed the form of the liability order. It reads:

> *"On the complaint of the Secretary of State for Social Security that the sums specified below are due from the defendant under the Child Support Act 1991 and Part IV of the Child Support (Collection and Enforcement) Regulations 1992 and are outstanding, it is adjudged that the defendant is liable to pay the aggregate amount specified below."* *— SI 1992/1989 Schedule 1 — prescribed form of Liability Order*

Two things are immediately significant. First, this prescribed form requires the complaint to be "on the complaint of the Secretary of State" — not CMS. The informant must be the Secretary of State. Second, this prescribed form was abolished by SI 2021/763 in September 2021. Since then, there has been no prescribed form for the liability order at all. The CMEL7298 template is what CMS uses instead, but it is not a prescribed form under any statutory instrument currently in force.

Could CMS be signing these themselves?

DWP confirmed in FOI2026/50177 that CMS employees issue the summons, post it, and certify service. The Libra entries show no named signing officer. The CMEL7298 templates served on paying parents carry only an illegible signature described as "Enforcement Manager Child Maintenance Service" with no named individual.

The honest answer to whether CMS signs these themselves: CMS generates the template, CMS posts it, CMS certifies service, and CMS's own staff sign the letters accompanying the instruments as "Enforcement Manager." Whether any court officer signs anything at any point in the process is not established by any document currently available. HMCTS confirmed the register is the definitive record. The register shows no signing officer. On the basis of available evidence:

- No court officer has been identified as signing any CMS summons or Liability Order in any of the cases examined.
- DWP's own admissions confirm CMS generates and posts the summons.
- The Libra extract — the definitive record — names no signing officer.

- The prescribed form of the LO (abolished 2021) required it to be made "on the complaint of the Secretary of State" and to record the adjudication — but did not contain a signature block for a judicial officer.
- What the CMEL7298 template does contain is a signature block completed by a CMS Enforcement Manager — an executive agency official, not a court officer.

THE SIGNING QUESTION: On available evidence, the documents served on paying parents as liability orders are signed only by unnamed CMS Enforcement Managers. No court officer, magistrate, district judge, or justices' legal adviser has been identified as signing these instruments. The register — the definitive record — names no signing officer. This is consistent with DWP's own admission that the process operates through a DWP subsidiary system interfacing with HMCTS — not through any court officer touching the documents. Whether any judicial officer has ever applied their mind individually to a CMS case at the summons or order stage is not established by any document in this analysis. That question requires specific disclosure.

SOURCE: SI 2019/1126 (removal of signature requirement) • SI 2021/763 (abolition of prescribed LO form) • SI 1992/1989 Schedule 1 (former prescribed form) • DWP FOI2026/50177 p.6 • CMEL7298 templates examined • Libra certified extracts

3. The Local Government Act 2003 s.82 — The Council Tax Power to Quash

Section 82 of the Local Government Act 2003 inserted paragraph 12A into Schedule 4 to the Local Government Finance Act 1992. The explanatory notes to s.82 state:

> *"Section 82 (which inserts into Schedule 4 to the LGFA 1992 a new paragraph 12A) allows the Secretary of State (in Wales the NAW) to make regulations giving magistrates' courts powers to quash a liability order if the court is satisfied that the liability order should not have been made."*
> *— Local Government Act 2003, Explanatory Notes, paragraph 189*

This provision recognises something important: liability orders made by magistrates' courts can be wrong, and there should be a mechanism for the magistrates' court itself to quash them without requiring an application to a higher court. The explanatory note explains the policy rationale: it can emerge after the order has been made that a mistake has occurred. Without this power, quashing can only be achieved by application to a higher court — at disproportionate cost where there is no dispute about the facts.

4. The Absence of an Equivalent in the Child Support Act 1991

The Child Support Act 1991 contains no equivalent to s.82 Local Government Act 2003. There is no provision allowing the magistrates' court to quash a liability order once made. The current CSA 1991 enforcement regime provides:

Mechanism	What It Provides	What Is Missing
s.111A MCA 1980 (N161 appeal)	Right of appeal against the Liability Order to the Family Court within 21 days. PD30A 9.5 prohibits extension of time save in exceptional circumstances.	The appeal court cannot question the maintenance calculation (s.33(4)). The 21-day time limit is extremely short for an unrepresented person. No automatic stay of enforcement pending appeal. As documented, HMCTS has

		not responded to the N161 in this case for ten weeks.
Judicial review (High Court)	The Administrative Court can review the lawfulness of the LO process but cannot quash a Magistrates' Court order directly.	No power in the Magistrates' Court itself to correct its own error. Every challenge must go to a higher court at disproportionate cost.
s.33 regulations (s.34 CSA 1991)	The Secretary of State may make regulations prescribing the procedure and form of the liability order.	No regulation currently in force prescribes the form of the LO (SI 2021/763 abolished the prescribed form). No regulation provides for the court to quash its own order.
Section 35(7)(d) CSA 1991	Regulations about distress may include provision as to the discharge of goods distrained or payment of compensation.	This is a remedy after enforcement, not a mechanism to quash the underlying order. It does not address the void order problem.

Why the absence matters

In the council tax context, s.82 LGA 2003 exists because it was recognised that: (a) liability orders can be wrong; (b) applying to a higher court is disproportionately expensive where there is no factual dispute; and (c) the magistrates' court that made the order is the appropriate body to correct it.

All three considerations apply with equal force to CMS liability orders. But the CSA 1991 contains no such power. The consequence:

- A paying parent who can prove the LO was wrongly made (e.g. the debt was paid, the calculation was wrong, the summons was void) has no mechanism to apply to the Magistrates' Court to quash it.
- The only route is the N161 appeal within 21 days (with an almost unextendable time limit) or judicial review (expensive and limited in scope).
- Once the 21-day period has expired and judicial review is not available, the LO stands regardless of how defective it is, unless the paying parent can establish it was void rather than merely voidable — a distinction that itself requires High Court determination.
- CMS can continue enforcing an LO that was wrongly made and that the paying parent cannot practically challenge.

> **THE LEGISLATIVE GAP: The Child Support Act 1991 contains no equivalent to s.82 of the Local Government Act 2003. There is no power for the Magistrates' Court to quash a CMS liability order at its own level. This is a specific identified legislative gap that has no rational justification. The council tax regime recognised the need for such a power in 2003. The child maintenance regime, with identical structural issues and far more serious enforcement consequences (up to imprisonment), has never been given it. Any future reform of the CMS enforcement regime must address this gap. Any s.4 HRA declaration of incompatibility application should include the absence of this mechanism as a factor demonstrating that the available remedies are not effective for Article 6 purposes.**

> *SOURCE: s.82 Local Government Act 2003 • Sch.4 para.12A Local Government Finance Act 1992 (as inserted) • LGA 2003 Explanatory Notes paras 187-190 • s.33 CSA 1991 • s.34 CSA 1991 • s.111A MCA 1980 • SI 2021/763 (abolition of prescribed LO form)*

5. What This Means Together — The Comprehensive Picture

Drawing all threads together:

71. **The prescribed form of the liability order was abolished in September 2021 by SI 2021/763. Since then, there is no statutory form. CMS uses the CMEL7298 template, which is not a prescribed court form.**
72. **The register entries are defective: wrong informant, false attendance records, no named judicial officer. Since the register is the definitive record (HMCTS confirmed), the definitive record records a defective process.**
73. **No signing officer is identified on any document in the process. CMS staff sign the accompanying letters. No court officer has been identified as signing anything.**
74. **There is no mechanism for the Magistrates' Court to quash its own LO where it was wrongly made — unlike the council tax regime.**
75. **There is no prescribed form for the LO — unlike the situation before September 2021.**
76. **The informant on the register is CMS, not the Secretary of State — contrary to the statutory requirement in s.33(1) CSA 1991 and the former prescribed form.**

Each of these points is independently documented. Together they describe a process that has lost every mechanism that once connected it to the court system: the prescribed form is gone, the signature is gone, the informant is wrong, the register records no judicial officer, and there is no self-correction mechanism. What remains is a Libra entry of one letter produced at a bulk hearing, a CMS-generated notification template, and an enforcement regime that proceeds as though all of this constitutes a court order.

> *SOURCE: SI 2021/763 • SI 1992/1989 Schedule 1 (former form) • HMCTS FOI 910531 • DWP FOI2026/50177 • Rule 66 MCR 1981 • s.33 CSA 1991 • s.82 LGA 2003 • LGA 2003 Explanatory Notes*

THE COURT REGISTER — THE ONLY DEFINITIVE RECORD

This Part examines the legal status of the court register under the Magistrates' Courts Rules 1981, what it must contain, what CMS Libra extracts actually show, what the informant entry means legally, and whether the register entry alone can constitute a valid Liability Order. The analysis is based on primary sources: the Rules themselves, HMCTS' own FOI confirmations, and the Libra extracts obtained in this case.

HMCTS CONFIRMED IN WRITING (FOI 910531, 16 DECEMBER 2022): "The written document [Notice of Liability Order] is not the definitive record of the order, it is a notification... The definitive record is the court register, which is now held purely digitally, and the only document which is a definitive record of the content of the register is a copy

of that register, certified by a court officer." The Libra extract IS the court record. It is not evidence of something better. It is the thing itself.

1. Rule 66 — The Legal Requirement

Rule 66(1) of the Magistrates' Courts Rules 1981 (SI 1981/552) provides:

> *"The designated officer for every magistrates' court shall keep a register in which there shall be entered — (a) a minute or memorandum of every adjudication of the court; (b) a minute or memorandum of every other proceeding or thing required by these rules or any other enactment to be so entered."* *— Rule 66(1) Magistrates' Courts Rules 1981 — legislation.gov.uk*

Rule 66(2) requires the register to include, where relevant: the complainant details; the respondent details; a summary of the complaint; and a summary of the adjudication. The register may be held in electronic form on the court computer system — which is Libra for magistrates' courts.

HMCTS also confirmed in a separate FOI response (June 2014, ref 90890):

> *"Each summons is required to be listed in the court register, and Liability Orders must be recorded in the court register, and following the hearing a register containing the results of the hearing is retained by HMCTS."* *— HMCTS FOI response, June 2014 (via WhatDoTheyKnow)*

> *SOURCE: Rule 66 MCR 1981 (SI 1981/552) • HMCTS FOI 910531 (16 December 2022) • HMCTS FOI 90890 (June 2014) • legislation.gov.uk*

1A. The Veer Confirmation — No Order on the Court File Therefore No Order Exists

HMCTS Administrative Officer Veer, Thames Valley Customer Service Unit, Milton Keynes Magistrates' Court, confirmed in writing for case reference 2400113035 (the the Claimant's case):

> *""There is no order on the court file for case 2400113035. For a copy of the order please contact the Child Maintenance Service directly.""* *— HMCTS officer Veer — Thames Valley Customer Service Unit — Milton Keynes Magistrates' Court — case ref 2400113035*

HMCTS has confirmed in FOI 910531 that the court register is the definitive record. Veer confirmed there is no order on the court file. The logical consequence is precise and inescapable:

> **IF THE REGISTER IS THE DEFINITIVE RECORD AND VEER CONFIRMS NO ORDER IS ON THE COURT FILE — THEN NO ORDER EXISTS. These are not two competing propositions. They are two HMCTS confirmations that together produce one conclusion. HMCTS says the register is the only definitive record. HMCTS says no order is on the court file. Therefore there is no definitive record of any order. Therefore no order was made. Not a defective order. Not a voidable order. No order at all. Every enforcement step taken on the basis of that non-existent order is taken without any legal foundation whatsoever.**

Veer's letter goes further than confirming no order exists. It directs the paying parent to CMS to obtain the order. The court is directing the defendant to the executive agency — because the court does not have the document and CMS does. This confirms the institutional structure: CMS holds the instrument. The court holds nothing. CMS produced the instrument. The court recorded a result code. The result code and the CMS-produced instrument are not the same thing, and neither constitutes a valid court order.

The register entry for case 2400113035 — a separate paying parent's case

The certified Libra extract for the the Claimant's case records:

- Charge code: CS91501 — a Libra system code, not a court case reference
- Result: G — one letter, no further detail
- Defendant Present: NO — recorded absent; witnesses confirm attendance
- Informant: CMS Child Maintenance Service — not the Secretary of State as required by s.33(1) CSA 1991
- Register Notes: BLANK — no summary of complaint, no summary of adjudication, no amounts, no named judicial officer
- Amount: not recorded in the Libra extract produced
- Signature on the register entry: none — the definitive record of the order is unsigned
- Date on the order itself: the Dated field in CMEL7298 template is blank — confirmed by CMEL7298_v011 (IR2026/48392, 29 June 2026)

This Libra entry is the entirety of the court record. There is no other document. HMCTS confirmed the register is the definitive record. This is it. One letter. No amount. No named judge. No summary. Informant wrong. Defendant wrongly recorded as absent. This is the record on which a man's home can be charged, his earnings seized, his bank account drained, his driving licence removed, his passport cancelled, and his liberty taken.

THE REGISTER ENTRY IS VOID ON ITS OWN TERMS. Even if the register entry were accepted as the order — which it is not, because Veer confirmed no order is on the file — it would still be void. It records: the wrong applicant (CMS not Secretary of State); no amount (the sum to be enforced is not in the register); no named judicial officer (no identifiable person made this decision); a false attendance record (defendant recorded absent when present); and blank notes (no record of what was considered or decided). A register entry that records none of the elements required for a valid adjudication is not an adjudication. It is a system code.

> *SOURCE: HMCTS FOI 910531 (register is definitive record, December 2022) • HMCTS officer Veer email confirmation (separate from FOI — direct written response to case query), case 2400113035 • Certified Libra extract, case 2400113035 • s.33(1) CSA 1991 (Secretary of State is applicant) • Rule 66(2) MCR 1981 (register must include summary of adjudication)*

The certified Libra extracts obtained in these proceedings show the following for each CMS liability order case:

Libra Field	What It Shows	Legal Significance
Case reference	CS91501 — a Libra internal code, not a court case reference	A court case reference is required for any court order. CS91501 is a system code. It does not identify the court case. Any enforcement instrument citing this as a court reference is citing a system code, not a case number
Result	G — Granted. One letter.	This is the entirety of the judicial record of a decision that affects credit, property, earnings, and liberty. Rule

		66(2) requires a summary of the adjudication. One letter is not a summary. It is a code.
Defendant Present	NO — recorded as absent	Defendants who attended were recorded absent. This is a false entry in the court register under Rule 66(1)(a). A false register entry is not merely procedurally irregular — it corrupts the evidential record that HMCTS has confirmed is the definitive record of the order.
Informant	CMS Child Maintenance Service — not the Secretary of State	See Section 3 below. This is a legally significant error. The statutory applicant under s.33(1) CSA 1991 is the Secretary of State. The register records CMS — an executive agency — as the informant. The proceedings may have been brought without the standing required by primary legislation.
Register Notes	Blank — in every case examined	Rule 66(2) requires a summary of the complaint and adjudication. Every case examined has blank register notes. This means the register contains no record of what was alleged, what evidence was considered, or why the order was granted.
Named judicial officer	None recorded	A judicial adjudication requires an identifiable judicial officer. The Libra extract names no magistrate, no justices' legal adviser, and no district judge. There is no record of who made the decision.
Signature on register entry	None — the register entry is unsigned	The court register entry, which HMCTS has confirmed is the definitive record of the order, bears no signature. No judicial officer has signed the entry. Combined with no named judicial officer, there is no documentary evidence that any identified person made the decision recorded.
Date on register entry	A date is recorded but no time and no identifying reference to a signed order	The date field records when the entry was made in Libra. It does not record a signed and dated order made by an identified judicial officer. The CMEL7298 template LO copies served on paying parents are similarly undated in the signature block — the "Dated" field is blank in the template (CMEL7298_v011 confirmed).

3. The Informant Point — Secretary of State vs CMS

Section 33(1) of the Child Support Act 1991 provides: "Where it appears to the Secretary of State that a liable person has failed to pay an amount of child support maintenance, the Secretary of State may apply to a magistrates' court for an order."

The applicant under the statute is the Secretary of State — a specific constitutional office. CMS is an executive agency of DWP. DWP is the department for which the Secretary of State is responsible. CMS is not the Secretary of State.

DWP's own FOI response (FOI2026/50177 p.9) invoked the Carltona principle to explain that CMS Decision Makers act under ministerial authority. The Carltona principle (Carltona Ltd v Commissioners of Works [1943] 2 All ER 560) permits ministerial functions to be delegated to civil servants. It is a principle of administrative law, not a principle that alters the identity of the statutory applicant before the court.

> **THE INFORMANT DEFECT — RUNNING THROUGH EVERY DOCUMENT: The Libra register records the informant as "CMS Child Maintenance Service" — not the Secretary of State. Section 33(1) CSA 1991 requires the Secretary of State to apply. The prescribed form (SI 1992/1989 Sch.1, now abolished by SI 2021/763) required the complaint to be "on the complaint of the Secretary of State." The Carltona principle allows the Secretary of State's functions to be exercised by civil servants — but does not change the identity of the applicant before the court. The same defect runs through every document in the enforcement chain: the Libra informant field records CMS; the CMEL7298 template is on CMS letterhead signed by an unnamed CMS Enforcement Manager; the County Court N379 charging order application names "The Child Maintenance Service" as claimant; the Statement of Truth on that application is signed by an officer identifying herself as being from "CMG" — the umbrella group, not the named claimant. The Secretary of State, who is the statutory applicant at every stage, does not appear by name in any document in any case examined in this analysis. This is not a technicality. It is a constitutional absence at the foundation of every enforcement act.**

> *SOURCE: s.33(1) CSA 1991 • Reg.28(1) SI 1992/1989 • Carltona Ltd v Commissioners of Works [1943] 2 All ER 560 • DWP FOI2026/50177 p.9 • Certified Libra extracts • Regulation 28(1) SI 1992/1989 (application must be by way of complaint)*

4. The Summons — The 2019 Rules and What They Changed

The Magistrates' Courts (Amendment) Rules 2019 (SI 2019/1126) came into force on 1 January 2020. They made two changes relevant to this analysis:

- **They removed the requirement for signatures on summonses and warrants in civil proceedings.**
- **They prescribed the form of summonses, including a requirement to give the name and address of the court office.**

The removal of the signature requirement is important. This means the absence of a signature on the summons is not, in itself, the legal defect. The 2019 Rules permitted unsigned summonses.

However, this does not assist CMS for three reasons:

77. The 2019 Rules apply to summonses issued by the court. DWP confirmed in FOI2026/50177 that CMS employees issue the summons, physically post it, and certify service. The Rules do not authorise a non-court body to issue court process, whether signed or unsigned.
78. The 2019 Rules require summonses to bear the name and address of the court office. CMS summonses are on CMS-headed templates from Plymouth. They do not bear a court name or court office address in the required form.

79. The 2019 Rules do not affect the requirement under s.51 MCA 1980 for a justice of the peace or authorised officer to authorise issue. DWP confirmed HMCTS provides administrative approval, not judicial authorisation. Administrative approval by HMCTS is not judicial authorisation by a JP.

> *SOURCE: SI 2019/1126 (Magistrates' Courts (Amendment) Rules 2019) • DWP FOI2026/50177 p.6 • s.51 MCA 1980 • GOV.UK guidance on 2019 Rules amendments*

5. The Register Entry Alone — Is It Enough?

The central question: given that DWP has confirmed the CMEL7298 template is the only document constituting the order, and given that HMCTS has confirmed the register is the definitive record — does the register entry itself constitute a valid court order?

This question requires breaking into its component parts:

5A. What a valid court order requires

For an order to be a valid court order, the following must be established from the court's own records:

80. A complaint was properly laid before the court in the name of the statutory applicant (the Secretary of State) by way of complaint under Regulation 28(1) SI 1992/1989.
81. A summons was issued by the court — or by a person authorised under s.51 MCA 1980 — directed to the respondent.
82. A hearing took place at which the court applied the satisfaction test under s.33(3) CSA 1991.
83. A judicial officer applied a judicial mind to the individual case: R v Manchester Stipendiary Magistrate ex parte Hill [1983] 1 AC 328 (HL) — the JP must apply their mind. Rubber-stamping is insufficient.
84. The adjudication was recorded in the court register under Rule 66 MCR 1981.

5B. What the Libra extract establishes

The certified Libra extract establishes:

- A code (CS91501) appears in the system.
- A single letter G was entered.
- A date is recorded.
- CMS is recorded as the informant.
- The defendant is recorded as absent.
- No summary of complaint or adjudication is recorded.
- No judicial officer is named.

5C. What the Libra extract does not establish

- That a complaint was formally laid before the court in the name of the Secretary of State.
- That a summons was authorised by a JP or authorised court officer.
- That a judicial mind was applied to the individual case.

- That any evidence was examined at the hearing.
- That the defendant was given an opportunity to be heard (Libra says they were absent — but witnesses confirm attendance).

> **THE REGISTER POINT: The Libra entry is the definitive court record — confirmed by HMCTS. But the definitive record must record an adjudication that actually occurred in accordance with the law. A register entry recording a hearing that did not comply with the statutory requirements does not validate those requirements by being recorded. Garbage in, garbage out. The register records what CMS presented to the court and what the court recorded in response. If what was presented was not a valid complaint by the Secretary of State, and what the court recorded was not a judicial determination by an identified officer who applied a judicial mind — then the register entry is not a valid adjudication. It is a record of an administrative exercise conducted with the trappings of court process but without its legal substance.**

This connects directly to the Post Office parallel. The Horizon system recorded figures as financial shortfalls. Courts relied on those records as authoritative. The figures were wrong. The court's reliance on Horizon data did not make the data correct. Similarly, the Libra entry records a result that may not reflect a genuine judicial process. The entry does not validate the process; it records it. If the process was legally defective, the entry recording it is a record of a defective process.

> *SOURCE: R v Manchester Stipendiary Magistrate ex parte Hill [1983] 1 AC 328 • Rule 66 MCR 1981 • HMCTS FOI 910531 • HMCTS FOI 90890 • s.33(1) and (3) CSA 1991 • Reg.28(1) SI 1992/1989 • Certified Libra extracts in AC-2025-LON-001412*

6. The Intelligence Targets on the Register

The following questions remain unanswered and constitute intelligence targets requiring FOI investigation and/or court-ordered disclosure:

85. Does Libra record the summons issue separately from the LO result? If so, does the summons record identify the JP or authorised officer who authorised issue?
86. Does Libra record the name of the judicial officer who made the LO at each hearing? If not, how does HMCTS identify who made the order if challenged?
87. What data does CMS's subsidiary system send to Libra, and what data does Libra send back to CMS? Who writes to Libra — the court's own system or CMS's system?
88. Why does Libra record the informant as "CMS Child Maintenance Service" rather than as "Secretary of State for Work and Pensions"? Was this a system configuration choice? Who made it and when?
89. Does the Libra record show that a complaint was laid (rather than merely that a hearing occurred)?
90. What does the Libra record show for cases where the defendant attended and raised a jurisdictional challenge — as on 27 March 2026 at MK Magistrates' Court?

> *SOURCE: DWP FOI2026/50177 p.6 (subsidiary system interfaces with HMCTS system) • HMCTS FOI 910531 • Libra National Data Library entry • CJS Exchange documentation • Common Platform access for prosecuting organisations*

THE POST OFFICE HORIZON PARALLEL — A STRUCTURAL COMPARISON

This section draws a precise structural comparison between the Post Office Horizon scandal and the CMS enforcement regime documented in this analysis. The comparison is made on the basis of documented facts in both cases. Differences are acknowledged where they exist. The purpose is not rhetorical equivalence but structural analysis: identifying whether the same systemic failures that produced the Horizon scandal are present in the CMS enforcement regime.

The Horizon scandal is now established as the largest miscarriage of justice in modern British legal history. More than 900 sub-postmasters were wrongfully prosecuted, and at least 13 suicides are linked to it. The public inquiry concluded in December 2024. Its findings are authoritative.

IMPORTANT DISTINCTION: The Post Office prosecuted sub-postmasters criminally, using its own private prosecution powers. CMS enforces civil debt through the Magistrates' Court. This is a structural difference. The comparison below is not an allegation that the cases are identical. It is a precise identification of the structural features the two regimes share — and those features alone are significant.

The Structural Parallels

Feature	Post Office Horizon — confirmed	CMS Enforcement — documented in this analysis
IT system generating unverifiable debt figures	Horizon (Fujitsu) generated accounting shortfalls that sub-postmasters could not challenge because they could not access the system data	CMS2012/BaNCS (TCS) generates maintenance calculations. Sub-postmasters could not challenge Horizon data. Paying parents cannot challenge CMS calculations at the enforcement hearing: s.33(4) CSA 1991 bar is absolute
Body with financial interest enforcing its own calculations	Post Office earned income from enforcement and prosecution. It had a financial interest in establishing shortfalls	CMS earns a 20% surcharge on all amounts collected under enforcement. It has a direct financial interest in making and enforcing orders
Enforcement without independent verification of debt	Courts accepted Horizon data as reliable without independent scrutiny. No independent audit of the shortfalls was conducted before prosecution	Magistrates' Courts cannot examine the maintenance calculation: s.33(4) bar. The debt is asserted by CMS and accepted by the court without independent scrutiny
Lawyers enabling the regime	Post Office lawyers defended Horizon, failed to disclose known bugs, and enabled prosecutions. The inquiry found systemic ethical failure across legal teams	GLD has defended the CMS enforcement process in live High Court proceedings while DWP's own FOI team has confirmed the instruments are CMS templates, not

		court orders. GLD applied the slip rule without notice to amend a judicial finding
People imprisoned for debts they did not owe	Over 200 sub-postmasters wrongfully imprisoned. At least 13 suicides linked to false accusations	Parent B: 42 days HMP Peterborough. DWP's own sworn witness acknowledged payments had been made. Leicester MC confirmed no court-issued instruments on file
Institutional closure of challenge routes	Post Office resisted challenge for 15 years. Courts accepted Horizon evidence. Regulators did not act. MP engagement dismissed	N161 unanswered ten weeks. N244 undetermined eight months. Enforcement pause application no direction. TVP admitted criminal offences then declined to investigate without statutory reason
Known system problems not disclosed	Fujitsu aware of Horizon bugs from 1999. Post Office did not disclose this in prosecutions. Court of Appeal found prosecutions were abuse of process	DWP holds but withheld its own Article 6 legal advice: FOI IR2026/14071. TCS BaNCS found by US federal jury (affirmed Fifth Circuit November 2025) to have been built using stolen IP. CMS2012 system cost escalated from £45m to approximately £950m+
State body insisting its figures are correct	Post Office insisted Horizon was robust until High Court found otherwise in 2019	DWP Complaints Team (Gavin Ritchie, 4 June 2026) asserted the court makes the LO as a judicial determination. DWP's own FOI team confirmed 21 days later the only document is a CMS template
Public inquiry eventually vindicated victims	Sir Wyn Williams' public inquiry concluded December 2024. Findings were devastating for Post Office and Fujitsu	No public inquiry into CMS enforcement has been established. This document constitutes the demand for one

The Critical Structural Difference

The Post Office had private prosecution powers and used them. CMS does not prosecute. It enforces civil debt through the Magistrates' Court — or purports to. The Horizon scandal produced criminal convictions that could be quashed. The CMS regime produces Liability Orders, charging orders, and committals. The legal mechanisms of challenge are different.

But the structural failure at the heart of both is the same: a body with a financial interest in establishing a debt, using its own system to generate that debt figure, enforcing it without independent scrutiny, and resisting challenge through every available institutional mechanism. In the Horizon case, it took 20 years and a television drama for public acknowledgement. This document aims to ensure that does not happen again.

The TCS BaNCS IT Connection

The CMS2012 system runs on TCS BaNCS, the IT platform developed by Tata Consultancy Services. A US federal jury found in proceedings affirmed by the Fifth Circuit Court of Appeals in November 2025 that TCS BaNCS was built using stolen intellectual property from CSC/DXC Technology. Damages of £168m were awarded and a ten-year court monitorship imposed. The system cost escalated from an original £45m estimate to approximately £950m+.

The significance for this analysis is not that TCS BaNCS produces incorrect figures in the same way Horizon did — that has not been established. The significance is structural: the calculation engine at the heart of CMS enforcement is a system with a documented integrity problem at the point of its own creation. The NAO confirmed approximately £29.7 million in incorrectly calculated amounts in CMS client funds accounts. Whether the calculation errors are attributable to TCS BaNCS is an intelligence target requiring investigation.

> *SOURCE: US federal jury verdict • Fifth Circuit Court of Appeals, November 2025 • NAO qualified opinions on CMS Client Funds Account • CMS2012 cost escalation data*

What This Means for Any Public Inquiry

The Horizon inquiry established the template for what a public inquiry into systemic enforcement failure by a state-adjacent body should examine. The following questions, drawn from the Horizon inquiry framework, apply with equal force to the CMS enforcement regime:

91. When did senior officials in DWP and CMS first become aware that the summons process lacked statutory authority?
92. What internal legal advice was obtained on the Article 6 compatibility of s.33(4) and when? (DWP withheld this: FOI IR2026/14071.)
93. Who authorised the decision to operate the summons process through HMCTS administrative approval rather than through a statutory instrument?
94. Was the TCS BaNCS system validated for accuracy before CMS2012 went live, and who authorised deployment?
95. What did DWP know about the NAO's qualified opinions on CMS client funds accounts, and what steps were taken to identify and correct the £29.7m in incorrect amounts?
96. Were legal advisers — within DWP, GLD, or external counsel — ever instructed to advise on the legality of the summons process? If so, what did they advise?
97. Why has no commencement order been made for ss.32M/32N despite the 2023 Act receiving Royal Assent in July 2023?

THE CHILD SUPPORT (ENFORCEMENT) ACT 2023 — FULL LEGAL ANALYSIS

This Part provides a complete legal analysis of the Child Support (Enforcement) Act 2023 (c.35), its relationship with the Child Support Act 1991 and the Child Support Maintenance Calculation Regulations 2012 (SI 2012/2677), and its compatibility with Article 6 ECHR. Every statutory reference is quoted from the primary source. Nothing is asserted without documentary foundation. This analysis also addresses the question of whether s.33(3) and s.33(4) of the 1991 Act contradict each other — and what any commencement regulations must contain to comply with the Convention.

1. Section 33(3) and Section 33(4) CSA 1991 — Do They Contradict Each Other?

This is a precise legal question and deserves a precise answer. The short answer is: they do not contradict each other in their own terms, but together they create a structural tension that is constitutionally significant and has never been resolved by any court.

What the provisions say

> *"Where the Secretary of State applies for a liability order, the magistrates' court shall make the order if satisfied that the payments in question have become payable by the liable person and have not been paid."* *— Section 33(3) Child Support Act 1991 — legislation.gov.uk*
>
> *"On an application under subsection (2), the court shall not question the maintenance calculation under which the payments of child support maintenance fell to be made."* *— Section 33(4) Child Support Act 1991 — legislation.gov.uk*

They operate on different questions

Section 33(3) sets the test: has the money fallen due and gone unpaid? Section 33(4) defines the scope of that test: the court cannot examine whether the calculation that generated the money was correct.

The two provisions are not contradictory in the sense that they give inconsistent instructions. The court is told to do two things that are technically compatible: (1) be satisfied the debt is due and unpaid; and (2) do not examine whether the calculation was right. Both instructions can be followed simultaneously.

The constitutional tension

The tension is not internal to the statute but between the statute and the rule of law. A calculation can be wrong. If a calculation is wrong, the debt derived from it is wrong. But s.33(4) prevents any court from examining whether the calculation is wrong at the enforcement stage. The court is therefore asked to be "satisfied" that payments are due while being statutorily barred from examining whether they were correctly determined to be due.

This creates the following structural position: CMS calculates a debt. CMS applies for an order to enforce it. The court must make the order if the debt is asserted due and unpaid. The court cannot examine whether the debt was correctly calculated. The paying parent has no mechanism at this stage to put the calculation in issue.

> **THE STRUCTURAL PARADOX: The satisfaction test in s.33(3) is real — but the court can only be "satisfied" of what it is permitted to examine. Since s.33(4) removes the calculation from its examination, the court's satisfaction is limited to confirming that CMS has asserted a debt exists. This converts the judicial function from a genuine determination to an administrative endorsement of CMS's own position. Section 33(3) appears to give the court an independent role. Section 33(4) makes that role hollow. The combination, not any single provision, is the Article 6 problem.**

> *SOURCE: s.33(3) and s.33(4) Child Support Act 1991 • Farley v Child Support Agency [2006] UKHL 31 (Lord Nicholls confirmed the bar is absolute) • DWP FOI IR2026/14071 (DWP withheld its own Article 6 legal advice on this point)*

2. The Child Support (Enforcement) Act 2023 — What It Actually Does

The Child Support (Enforcement) Act 2023 (c.35) received Royal Assent on 20 July 2023. It is a short Act of six sections. Its operative effect is to amend ss.32M and 32N of the Child Support Act 1991, which were themselves inserted by s.25 of the Child Maintenance and Other Payments Act 2008 but never commenced.

The legislative chain

Legislation	Status and Effect
Child Maintenance and Other Payments Act 2008 s.25	Inserted ss.32M and 32N into CSA 1991 — creating the framework for administrative liability orders. NEVER COMMENCED as of 28 June 2026.
Child Support (Enforcement) Act 2023 ss.2-4	Amended the text of ss.32M and 32N (which were not yet in force). Amended a provision that did not exist in the operative law at the time.
Child Support (Enforcement) Act 2023 s.6(4)	Provides that ss.2-4 come into force only when s.25 of the 2008 Act comes into force. The tail cannot wag the dog: the 2023 amendments are triggered by commencement of the 2008 provision they amend.
Commencement regulations	No commencement order has been made for s.25 of the 2008 Act or for ss.2-4 of the 2023 Act as of 28 June 2026. Confirmed: Andrew Western MP written answer 18 March 2026; Baroness Sherlock Lords Committee March 2026.

The six sections of the 2023 Act

Section	Provision
s.1 — Interpretation	"The 1991 Act means the Child Support Act 1991; the 2008 Act means the Child Maintenance and Other Payments Act 2008." Definitions only. In force on Royal Assent.
s.2 — Making of liability order	Substitutes new s.32M(1) of CSA 1991. The Secretary of State may make an administrative liability order where: (a) a person has failed to pay child support maintenance; and (b) either (i) a DEO is inappropriate (e.g. person not employed) or (ii) a DEO has proved ineffective. NOT YET IN FORCE.
s.3 — Power to vary	Amends s.32N(2) of CSA 1991 to add power to vary a liability order by regulations. NOT YET IN FORCE.
s.4 — Appeal of liability order	Inserts s.32N(3)-(5) into CSA 1991: the Secretary of State MUST by regulations make provision for a right of appeal against a liability order. Crucially, s.32N(4) provides that on appeal the court must not question the maintenance calculation. This mirrors s.33(4). NOT YET IN FORCE.
s.5 — Consequential amendments	Amendments to transitional provisions in the 2008 Act. In force two months after Royal Assent.

s.6 — Extent, commencement, short title	Sections 2-4 come into force only when s.25 of the 2008 Act comes into force. No commencement order has been made.

> *SOURCE: Child Support (Enforcement) Act 2023 (c.35) • legislation.gov.uk (full text, verified 28 June 2026) • Andrew Western MP written answer 18 March 2026 • Baroness Sherlock Lords Committee 6 March 2026*

3. Compatibility with the Child Support Act 1991

The 2023 Act amends provisions of the 1991 Act that are not yet in force. Its compatibility with the current operative law of the 1991 Act therefore depends on the relationship between the court-based LO regime (s.33 — currently operative) and the administrative LO regime (ss.32M/32N — not yet commenced).

The two regimes compared

Feature	s.33 CSA 1991 (court regime — in force)	ss.32M/32N (ALO regime — not in force)
Who makes the order	The Magistrates' Court — a judicial body	The Secretary of State — an executive body
Standard for making order	Court "if satisfied" — a judicial determination	Secretary of State "where it appears" — an administrative assessment
Can the calculation be questioned?	No — s.33(4) bar is absolute	No — s.32N(4) (when in force) replicates the same bar
Right of appeal	s.111A MCA 1980 — to the Family Court	s.32N(3) — to be provided by regulations (not yet made)
Notice to paying parent	Governed by MCR 1981 — court process rules	To be governed by regulations — not yet made
Consequent enforcement powers	All powers in ss.35-40 CSA 1991 conditioned on valid court LO	All same powers — conditioned on valid administrative LO when commenced
Tribunal/court oversight	No court oversight at making stage (s.33(4)). Appeal available under s.111A.	No court oversight at making stage (s.32N(4)). Appeal to be available under regulations.

The critical compatibility point: the 1991 Act s.33 regime and the 2023 Act's ss.32M/32N regime cannot operate simultaneously for the same case. The ss.32M/32N regime is intended to replace, not supplement, the s.33 court route. The consultation documents confirm this: the administrative LO "will replace the current requirement for CMS to apply to the court."

Once the ALO regime is commenced, s.33 will effectively become redundant for CMS cases. The 2023 Act does not expressly disapply s.33 — but commencement regulations and secondary legislation will need to address which regime applies and to which cases. This is an unresolved compatibility question that must be answered in any commencement instrument.

> *SOURCE: CSA 1991 s.33 • ss.32M-32N CSA 1991 (as amended by 2023 Act) • GOV.UK consultation document "Child Maintenance: Accelerating Enforcement" (October 2023, updated February 2024)*

4. Compatibility with the Child Support Maintenance Calculation Regulations 2012 (SI 2012/2677)

The 2012 Regulations govern how the child maintenance calculation is made. They are the detailed machinery behind the figure that the LO enforces. Their compatibility with the 2023 Act regime raises three distinct questions.

4A. The calculation remains unchanged

The 2023 Act does not amend the 2012 Regulations. The calculation methodology — the income base, the percentage rates, the shared care reductions, the variation procedure — remains exactly as it was. The 2023 Act changes how the order enforcing the calculation is made (administratively rather than through a court) but not what the order enforces.

This means every Article 6 problem with the calculation itself carries forward unchanged into the ALO regime. If the 2012 Regulations produce an incorrect calculation, the ALO will enforce an incorrect debt. The s.32N(4) calculation bar (mirroring s.33(4)) will prevent any challenge to the calculation at the appeal stage. The structural tension identified above in s.33 analysis is replicated exactly in the ALO regime.

4B. The variation mechanism under s.28E

Section 28E CSA 1991 allows the Secretary of State to consider variation where special circumstances apply. Regulation 69 and Schedule 5 of SI 2012/2677 set out the grounds. These provisions remain operative under both regimes. The 2023 Act does not change them.

But in the ALO regime, the absence of court oversight at the making stage means the variation procedure is the only pre-enforcement mechanism. If CMS fails to consider a variation before making an ALO, the paying parent's only remedy is the post-order appeal under regulations not yet made. This is a more compressed timeframe for challenge than currently exists under the court route.

4C. The s.2 welfare duty

Section 2 CSA 1991 requires the Secretary of State to have regard to the welfare of any child likely to be affected when exercising discretionary powers. This duty applies to the decision to make an ALO, just as it applies to the decision to apply for a court LO. The 2023 Act does not change s.2 and does not address how the welfare duty will be documented in the ALO process. CMS has already confirmed in writing it has no duty of care to children in the paying parent's household. If that position is maintained under the ALO regime, every ALO made in such cases will be made in breach of s.2 — just as every current court LO application in such cases is.

> *SOURCE: s.28E CSA 1991 • SI 2012/2677 reg.69 and Sch.5 • s.2 CSA 1991 • CMS complaints letter (written admission, no duty of care to paying parent household children)*

5. Article 6 Compatibility Analysis — The ALO Regime

Article 6(1) ECHR provides that in the determination of civil rights and obligations, everyone is entitled to a fair and public hearing by an independent and impartial tribunal established by law. Child maintenance enforcement engages civil rights and obligations. The question is whether the ALO regime, as constructed, provides the required independent tribunal at an adequate stage of the process.

5A. The Tsfayo Principle

Tsfayo v United Kingdom [2006] ECHR 981: the European Court held that where a primary decision-maker is not independent, the Article 6 violation is not cured by a later judicial review that cannot rehear the facts. The Court identified a "fundamental objection" to a structure where the body that determines the primary issue has a direct institutional interest in the outcome.

Applied to the ALO regime: the Secretary of State (CMS) both calculates the debt and makes the order enforcing it. CMS earns a 20% surcharge on amounts collected — a direct financial interest in making and enforcing orders. The decision to make an ALO is made by the same body that determined the debt, with a financial incentive to enforce it. Tsfayo directly applies.

5B. The Calculation Bar — s.32N(4)

The new s.32N(4) (inserted by s.4 of the 2023 Act) provides that on an appeal against an ALO, the court must not question the maintenance calculation. This is identical to the s.33(4) bar.

This means: CMS makes the calculation. CMS makes the ALO enforcing it. The paying parent may appeal. But on appeal, the court cannot examine whether the calculation is correct. The appeal is therefore limited to procedural grounds — whether the ALO was properly made, whether the pre-conditions were satisfied — but not whether the debt itself is correct.

This replicates and codifies the same Article 6 problem that exists under the current court regime. The structural defect is not cured by the change in who makes the order; it is reproduced in the new regime. The paying parent still cannot, at any stage of the ALO enforcement process, have an independent tribunal examine whether they owe the money being enforced.

5C. The Appeal Regulations — Not Yet Made

Section 32N(3) (inserted by s.4 of the 2023 Act) provides that the Secretary of State MUST make regulations providing a right of appeal. Those regulations have not been made. The ALO regime cannot be lawfully commenced without those regulations, because the 2023 Act itself makes the appeal right mandatory. Commencing the ALO regime without the regulations would mean enforcing administrative orders against which no appeal right exists — a clear Article 6 violation and arguably an unlawful commencement.

5D. Article 6 Minimum Requirements for the ALO Regime

For the ALO regime to be compatible with Article 6, the following minimum conditions would need to be met. This analysis is based on the Strasbourg case law identified and must be verified with qualified legal advice:

Requirement	Legal Basis and What It Demands
Independent tribunal at an adequate stage	Tsfayo [2006] ECHR 981. The fact-finding function — determining whether the debt is correct — must at some stage be exercised by a genuinely independent body with the power to rehear the facts. Judicial review that cannot rehear facts is insufficient.
The calculation must be challengeable somewhere	Article 6 requires that civil obligations be determinable by a fair process. A system in which the calculation is never judicially examined at any stage does not satisfy this. The FTT can examine the calculation but its findings have no binding effect on the LO enforcement. The appeal court under

	s.32N(3) cannot examine it (s.32N(4)). There must be a forum with power to both examine the calculation and vary or set aside the order.
Notice and opportunity to respond before the order	Article 6 requires that a person whose civil obligations are being determined must have notice and an opportunity to be heard before determination, not merely after. Under the ALO regime, the order is made by CMS without any prior court hearing. Regulations must therefore provide for: advance notice to the paying parent; an opportunity to submit representations before the ALO is made; an adequate period for this.
The surcharge interest point	CMS earns a 20% surcharge on amounts collected. This is a direct financial interest in making and enforcing orders. Article 6 requires the decision-maker to be impartial. A body with a financial interest in the outcome of a decision cannot be impartial for Article 6 purposes. The surcharge structure must be addressed if the ALO regime is to be Article 6 compliant.
Adequate time limits for appeal	Regulations under s.32N(3)(a) must specify an appeal period. That period must be sufficient for the paying parent to understand the order, take legal advice, and exercise the right. A very short period (e.g. 14 days) would risk Article 6 violation where the paying parent is unrepresented.
Court with power to set aside, not just review	The appeal court under s.32N(3) must have power to set aside the ALO entirely — not merely to remit to CMS for reconsideration. A court that can only send the matter back to the decision-maker who made the original order does not provide the independent judicial determination required by Article 6.

> *SOURCE: Article 6(1) ECHR • Tsfayo v United Kingdom [2006] ECHR 981 • Feldbrugge v Netherlands (1986) 8 EHRR 425 • Farley v Child Support Agency [2006] UKHL 31 • s.32N(3)-(5) CSA 1991 (as inserted by s.4 of the 2023 Act) • GOV.UK ALO consultation document*

6. What the Regulations Must Contain to Be Lawful

The Child Support (Enforcement) Act 2023 requires the Secretary of State to make regulations before the ALO regime can operate. This section sets out, based on the statutory framework and the Article 6 analysis above, what those regulations must contain to be both lawful under domestic law and compatible with the ECHR. This is a legal analysis, not legal advice. It is framed as requirements, not recommendations.

Regulatory Requirement	Legal Basis and Consequence of Omission
1. Pre-order notice and representations procedure	Article 6 ECHR requires notice before determination of civil obligations. Regulations must require CMS to give advance notice to the paying parent before making an ALO, specifying: the amount claimed; the basis of the claim; and a period (at least 21 days) for the paying parent to submit representations or evidence. Omission: ALOs made without pre-order notice will be liable to challenge as violations of natural justice and Article 6.
2. Mandatory welfare assessment under s.2 CSA 1991	Section 2 CSA 1991 requires regard to the welfare of any child likely to be affected. Regulations must require documented s.2 compliance before each ALO is made, covering all children in the paying parent's household.

	Omission: ALOs made without documented s.2 assessment will be unlawfully made and liable to set-aside on judicial review.
3. Right of appeal with power to set aside	Section 32N(3) makes the appeal right mandatory. Regulations must provide: the court to which appeal lies; the grounds of appeal; the period for appeal (not less than 28 days from service of the ALO); and critically, the powers of the court on appeal. Those powers must include power to set aside the ALO entirely, not merely remit. Omission: mandatory statutory requirement not met; commencement without these regulations is unlawful.
4. Stay of enforcement pending appeal	Without an automatic or readily available stay, an ALO could be enforced before the appeal is determined. Regulations must provide for automatic stay on filing an appeal, or for a court to grant a stay on application at minimal cost. Omission: enforcement during appeal period will breach Article 6 and Article 1 Protocol 1 HRA 1998.
5. The calculation bar — Article 6 problem	Section 32N(4) replicates the s.33(4) bar. If this bar is maintained in the commencement regulations, the ALO regime will face the same Tsfayo Article 6 challenge as the current regime. The regulations would need to provide a mechanism by which the calculation can be questioned — perhaps by requiring CMS to suspend the ALO pending an FTT determination if a calculation appeal is live. Without this, the Article 6 violation is baked in.
6. The surcharge disclosure requirement	CMS earns 20% on collections. Regulations should require disclosure of this interest to the paying parent and to any appeal court. The court must be aware of the institutional conflict when assessing whether the ALO was properly made. Omission: structural impartiality concern may found a challenge to individual ALOs and to the regime as a whole.
7. Service requirements	Regulations must specify how the ALO is served, when service is effective, and what documents must accompany it. The paying parent must receive the ALO itself, the calculation on which it is based, the appeal rights notice, and a statement of the enforcement powers that will follow. Without adequate service provisions, the ALO process will be challenged on fairness grounds.
8. Separate treatment of disputed calculations	Where a First-tier Tribunal appeal against the calculation is live at the time CMS proposes to make an ALO, regulations must address whether the ALO can be made pending the FTT determination. Making an ALO while the underlying calculation is under appeal risk enforcing a debt that may be varied or set aside. The regulations must either prohibit ALO making during a live FTT appeal, or require the ALO to be stayed pending FTT determination.
9. Scotland-specific provisions	Section 6(1) of the 2023 Act extends to Scotland. The judicial system is devolved. Regulations must contain Scotland-specific provisions addressing: which court hears Scottish ALO appeals; the Acts of Sederunt needed; and the relationship with Scottish civil procedure. Without these, the regime cannot be commenced in Scotland. The GOV.UK consultation acknowledged this explicitly.

7. The Critical Point: Why the 2023 Act Cannot Be Commenced in Its Current Form

The analysis above demonstrates that the 2023 Act, as enacted, cannot be commenced without creating a regime that is almost certainly incompatible with Article 6 ECHR. This is because:

98. The calculation bar in s.32N(4) replicates the s.33(4) problem. The paying parent still cannot have the calculation independently examined at any stage of the enforcement process.
99. The surcharge structure means CMS has a financial interest in making and enforcing orders. An administratively independent body with a financial interest in the outcome is not impartial for Article 6 purposes.
100. The appeal regulations have not been made. Commencement without them would mean orders against which no appeal right exists — a clear Article 6 violation and contrary to the mandatory requirement in s.32N(3).
101. The s.2 welfare duty has already been admitted as not applied to children in the paying parent's household. If that position carries forward into the ALO regime, every ALO in such cases is unlawfully made.
102. The existing regime is currently operating in a way that DWP has admitted does not produce court orders — using CMS templates as the only document constituting the order. The 2023 Act is Parliament's attempt to legitimise what CMS has been doing without authority. But it has not been commenced, and the analysis above shows why commencement presents serious legal difficulties.

THE CRITICAL FINDING: The Child Support (Enforcement) Act 2023 was Parliament's response to CMS operating outside the law. Parliament created a legal framework that would authorise what CMS was already doing. But that framework has not been brought into force. CMS continues to operate as though it has administrative liability order powers that Parliament has provided for but not enacted. This is not merely unlawful. It is the government continuing to enforce orders with no legal authority, knowing that Parliament has attempted to create that authority, while choosing not to exercise the commencement power that would create it.

> *SOURCE: Child Support (Enforcement) Act 2023 (c.35) • CSA 1991 ss.32M/32N • 2008 Act s.25 • Article 6(1) ECHR • Tsfayo v United Kingdom [2006] ECHR 981 • Farley v CSA [2006] UKHL 31 • GOV.UK consultation document • Andrew Western MP written answer 18 March 2026 • Baroness Sherlock Lords Committee 6 March 2026 • DWP FOI IR2026/14071 (withheld Article 6 legal advice)*

CHARGING ORDERS, LAND REGISTRY AND HOME CHARGES

This Part sets out the statutory framework for charging orders in CMS enforcement, what evidence has been documented about how CMS has applied it, how the chain fails at the first link, how a charge can be challenged, and what a homeowner can do now to protect their property. Every step is sourced. This section is written for paying parents, their solicitors, and any justice-focused lawyer who wishes to understand the complete picture before advising a client.

> **LANCASTER COUNTY COURT — 8 JUNE 2026: District Judge McAteer rejected a CMS charging order application. The court scrutinised the underlying Liability Order and declined to make the charge final. This is documented independent judicial confirmation that a County Court, when it examines the instrument, produces the same conclusion as this analysis. Every charging order registered by CMS on the same process is challengeable on the same basis.**

1. The Statutory Chain — What Is Required

The route to registering a charge over a home in CMS enforcement requires three sequential steps, each depending on the validity of the one before:

103. A valid Liability Order made by a Magistrates' Court — s.33 CSA 1991. The court makes the order. Not CMS. This is the first and foundational link.

104. An Interim Charging Order from a County Court — s.36 CSA 1991 read with the Charging Orders Act 1979. The County Court may make an order only where a Liability Order has been made. The application is made to the County Court, which considers the matter at a hearing (or on the papers) and makes an interim order.

105. A Final Charging Order from a County Court — only after the interim order and an opportunity for the paying parent to object. The County Court must be satisfied before making the charge final. Only then is registration at HM Land Registry available.

> *SOURCE: s.33 CSA 1991 • s.36(1) CSA 1991 • Charging Orders Act 1979 ss.1-3 • CPR r.73 (charging orders procedure)*

2. Why the Chain Fails at the First Link

DWP confirmed in FOI2026/50177 on 25 June 2026: "This is the only document that constitutes the order." The document referred to is the CMEL7298 template — produced by CMS, updated electronically via a DWP subsidiary system, not issued or sealed by any court. HMCTS confirmed across four courts that no court-issued signed Liability Order is held on any court file.

If the Liability Order is not a valid court order — which DWP has confirmed — then s.36 CSA 1991 is not engaged. The County Court has no jurisdiction to make a charging order on the basis of a void instrument. Any interim or final charging order made on that basis is itself without valid foundation. The Lancaster County Court rejection of 8 June 2026 is the documented judicial confirmation of this.

> **THE CHAIN IS BROKEN AT THE FIRST LINK. Without a valid court-issued Liability Order, the s.36 charging order power does not arise. Any charge registered against a home on the basis of a CMS CMEL7298 template instrument is registered without lawful authority. The Land Registry entry is a registration of a false instrument within the meaning of the Forgery and Counterfeiting Act 1981 and a false representation within the meaning of the Fraud Act 2006 s.2.**

> *SOURCE: DWP FOI2026/50177 p.7 (25 June 2026) • Lancaster County Court, DJ McAteer, 8 June 2026 • HMCTS written confirmations across four courts • RTL letter March 2026*

3. What CMS Is Documented to Have Done

A Land Registry Application Enquiry document has been obtained from a case in this campaign. It shows:

- Lodged by: COMMISSION MISC RECEIPTS — THE CHILD SUPPORT AGENCY, Clearbrook House, Towerfield Drive, Plymouth PL6 7TN. This is CMS's own enforcement arm, operating under the name of the predecessor agency (Child Support Agency). It is not a court. It is not a solicitor acting under a county court order.
- Application Type: Dealing. Priority Date: 22 May 2026. Status: Priority Protected — Awaiting Processing.
- There is no county court case number visible on the document. There is no reference to a final charging order. The customer reference field shows a PLY_CIV_ prefix — which is CMS's own internal reference, not a court-issued number.

The documented pattern: CMS appears to have lodged a Land Registry dealing directly through the portal without the sequentially required county court interim and final charging orders. If that is confirmed, it constitutes a bypass of the Charging Orders Act 1979 procedure entirely. This is an intelligence target requiring Land Registry to confirm whether the requisite court orders exist in each case before processing any CMS dealing application.

> *SOURCE: Land Registry Application Enquiry document — 22 May 2026 • CMS enforcement pattern documentation • Charging Orders Act 1979*

4. How to Challenge a Charging Order — The Complete Picture

4A. If the Charge Has Not Yet Been Registered

If you have received notification from Land Registry that an application has been received but not yet processed, you can object before the application completes. Land Registry will not register a charge if there is a valid objection and the dispute goes to the Property Chamber of the First-tier Tribunal.

Step	Action
1. Act immediately	Write to HM Land Registry casework team by recorded delivery. Quote the title number and application reference. State: (1) you dispute the underlying Liability Order as void; (2) no valid county court charging order has been served or received; (3) you object to the application being processed; (4) you request the application be referred to the First-tier Tribunal (Property Chamber).
2. Apply to County Court (N244)	File an N244 application to set aside the interim charging order (if one has been made) in the county court that made it. Grounds: the underlying Liability Order is void (DWP FOI2026/50177 p.7 confirmed the LO is a CMS template not a court order). Attach: DWP FOI2026/50177, HMCTS written confirmation that no signed LO is held on file, Lancaster County Court rejection of 8 June 2026.
3. Register a Caution Against Dealings (CT1)	File Form CT1 at HM Land Registry. Cost: £40. This means Land Registry must notify you before registering any further dealing against your property title, giving you a window to object. Apply online or by post to HM Land Registry, Citizen Centre, PO Box 74, Gloucester GL14 9BB.

4. Register a Unilateral Notice (UN1)	File Form UN1 to record the live dispute on the title register. Any buyer, lender, or solicitor searching the title will see the dispute. Cost: £40. Available on gov.uk. This creates a formal record of the contested position.

4B. If the Charge Has Already Been Registered

If a charging order has already been registered at Land Registry, the challenge route depends on whether the charge was registered as a restriction, a notice, or an unilateral notice.

Route	How It Works
N244 — County Court set-aside	Apply to the County Court that made the charging order to set it aside. Grounds: the underlying Liability Order is a CMS administrative template confirmed void by DWP's own FOI team (FOI2026/50177). The County Court has jurisdiction to set aside its own orders under CPR r.3.1(7). Attach DWP FOI2026/50177, HMCTS court file confirmation, Lancaster rejection.
First-tier Tribunal (Property Chamber)	If Land Registry refuses to remove the entry or the dispute concerns the registration itself, the FTT Property Chamber has jurisdiction under s.73 Land Registration Act 2002. File an application (Form AP1 to register an objection, then refer to FTT). No issue fee for the initial objection.
Application to Court under s.65 LRA 2002	Apply to the court for an order directing Land Registry to alter the register under schedule 4 LRA 2002. Grounds: the entry was made in reliance on a void instrument (the CMS template LO). The court has power to order rectification of the register.
UK GDPR Article 17 erasure request to Land Registry	The entry constitutes personal data. Where the data was entered on the basis of a false instrument it was not lawfully processed. A formal Article 17 UK GDPR erasure request to Land Registry, alongside the legal challenge, creates a parallel administrative record of the unlawful processing.
Report to HM Land Registry — Chief Land Registrar	Write to Simon Hayes, Chief Land Registrar, HM Land Registry, seeking confirmation that CMS-lodged dealing applications are accompanied by the requisite county court orders. Request a systemic audit. Formal written requests to senior officers create accountability records.

4C. Immediate Protective Steps — Anyone Can Do These Today

These steps can be taken by any paying parent concerned about their property, without a lawyer, before any charge is registered:

- **Register a CT1 Caution Against Dealings — Form CT1, £40, online at Land Registry portal or by post. This triggers a notification to you before any dealing registers on your title.**
- **Register a UN1 Unilateral Notice recording the live dispute — Form UN1, £40. Flags the dispute to any property searcher.**
- **Write to Land Registry asking whether any CMS application is pending against your title. Quote your title number. Land Registry will confirm whether an application has been received.**

- **Write to CMS formally demanding production of: (1) the court-issued Liability Order (seal, case reference, named magistrate); (2) the County Court interim charging order; (3) the final charging order. Require response verified by statement of truth under CPR r.22. CMS cannot produce these documents because DWP has confirmed the only document is a CMS template.**
- **File an N244 in the County Court immediately if an interim charging order hearing is listed. Grounds: void underlying LO. Attach DWP FOI2026/50177. The County Court must consider the validity of the underlying order before making it final.**

> *SOURCE: Land Registration Act 2002 ss.32, 34, 40, 65, Sch.4 • Charging Orders Act 1979 • CPR r.73 • UK GDPR Article 17 • Form CT1, Form UN1, Form AP1 (all on gov.uk) • DWP FOI2026/50177 • Lancaster County Court, DJ McAteer, 8 June 2026*

5. The Registry Trust Limited Connection

Registry Trust Limited (RTL) maintains the register of County Court judgments and orders in England and Wales. CMS submits a self-generated "Return of Judgment for Registration" document to RTL, which registers it on the credit record of the paying parent. RTL confirmed in writing on 25 March 2026 that registrations were made "without a lawful Liability Order" and has raised concerns directly with HMCTS and the Ministry of Justice. The MoJ has not publicly disclosed what action it has taken.

The consequence: every credit record damaged by a CMS RTL registration has been damaged by the registration of a false instrument. Paying parents whose credit has been damaged can:

- Write to RTL formally requesting removal of the entry on the basis that it was registered without a lawful Liability Order, as confirmed by RTL's own letter of 25 March 2026.
- File a UK GDPR Article 17 erasure request to RTL and to CMS. The data was unlawfully processed. Processing personal data by registering a false instrument is not a lawful basis under UK GDPR Article 6.
- File a complaint with the Information Commissioner's Office if RTL or CMS refuses the erasure request. Reference RTL's own written admission of 25 March 2026 as the primary evidence.
- Include the RTL registration as a head of loss in any claim for damages arising from the void enforcement process.

> *SOURCE: RTL letter 25 March 2026 ("without a lawful Liability Order") • UK GDPR Article 17 • ICO complaints process • DWP FOI2026/50177 p.7*

6. The Criminal Analysis — Is This Theft? Is This Fraud?

The question of whether CMS enforcement through void instruments constitutes criminal conduct requires precise analysis. The answer is not a simple yes or no. Different criminal offences apply at different stages. The most important point is this: the primary offence is not theft — it is fraud. But fraud that leads to the forced sale of a home through a void charging order will engage the Theft Act at the enforcement of sale stage. And the proceeds of every enforcement action built on void instruments are potentially criminal property under the Proceeds of Crime Act 2002.

6A. Fraud Act 2006 — The Primary Offence

Section 2 of the Fraud Act 2006 provides that a person commits fraud if they dishonestly make a false representation, and intend, by making the representation, to make a gain for themselves or another, or to cause loss to another, or to expose another to a risk of loss.

Applying this to the charging order process in the anonymised case and every equivalent case:

Element of s.2 Fraud Act 2006	How It Is Satisfied
A false representation	Representing to the County Court in the N379 application that a valid Liability Order exists, when DWP confirmed in FOI2026/50177 that the only document constituting the LO is a CMS administrative template. Representing that the judgment creditor is "The Child Maintenance Service" when the statutory applicant is the Secretary of State. Representing in Section 7 that no other person has an interest in the property when a registered mortgagee holds a prior charge.
Dishonestly made	CMS has been formally notified through parliamentary answers, FOI disclosures, judicial review proceedings, and direct correspondence that the instruments are challenged as void. Continuing to file charging order applications after formal notice of the legal position satisfies the Ghosh/Ivey dishonesty test: a reasonable person would regard it as dishonest to apply for charges over homes using instruments confirmed as administrative templates rather than court orders.
Intent to make a gain or cause loss	The gain is the security interest over the paying parent's property. The loss is the encumbrance on their title, the damage to their ability to sell or remortgage, and ultimately the risk of forced sale. Both are direct and documented.
Fraud complete on the false representation	The offence is complete when the false representation is made to the court — not when the order is made. Each N379 application filed on the basis of a void LO is a separate count of fraud.

> *SOURCE: Fraud Act 2006 s.2 • Ivey v Genting Casinos [2017] UKSC 67 (dishonesty test) • DWP FOI2026/50177 p.7 • N379 application, anonymised case • Interim Charging Order J0304220*

6B. Forgery and Counterfeiting Act 1981 — The False Instrument

Section 1 of the Forgery and Counterfeiting Act 1981 provides that a person is guilty of forgery if they make a false instrument, with the intention that they or another shall use it to induce somebody to accept it as genuine, and by reason of so accepting it to do or not to do some act to that person's or another's prejudice.

Section 9(1)(g) of the 1981 Act defines an instrument to include any document, whether formal or informal. Section 9(2) provides that an instrument is false if it purports to have been made in the terms in which it was made on the authority of a person who did not give that authority.

The CMEL7298 template purports to be a court-issued Liability Order made by a Magistrates' Court. DWP confirmed it is a CMS administrative template. It purports to have been made on the authority of the court. The court did not make it. It is a false instrument within s.9(2). It is used to induce County Courts to make charging orders, enforcement agents to levy distress, employers to comply with DEOs, and banks to comply with lump sum deduction orders. Each use is a separate offence under s.3 (using a false instrument). The person who produces and certifies the template as a court order is potentially guilty of the s.1 offence of making it.

> *SOURCE: Forgery and Counterfeiting Act 1981 ss.1, 3, 9(1)(g), 9(2) • DWP FOI2026/50177 p.7 • GLD Z2500859 para 8 • CMEL7298 template*

6C. Is It Theft? — The Precise Answer

Theft Act 1968 s.1: a person is guilty of theft if they dishonestly appropriate property belonging to another with the intention of permanently depriving the other of it.

A charging order does not transfer property. It encumbers the title. The paying parent retains ownership. At the charging order stage therefore, the Theft Act analysis does not directly apply — no property has been appropriated.

However, theft becomes directly engaged at two subsequent stages:

- **Stage 1 — Enforcement of sale under s.14 Charging Orders Act 1979: if the court grants an order for sale and the property is sold to satisfy the debt, proceeds are extracted from the paying parent's asset on the basis of a void instrument. The proceeds extracted on the basis of a void LO are appropriated without lawful authority. At this stage the Theft Act analysis is directly applicable: property (the sale proceeds beyond any lawful debt) is appropriated from the paying parent dishonestly and without right.**
- **Stage 2 — Distress under s.35 CSA 1991: where enforcement agents take control of and sell goods under a void LO, the proceeds of that sale are appropriated from the paying parent without lawful authority. The Torts (Interference with Goods) Act 1977 provides the civil remedy. The Theft Act 1968 s.1 provides the criminal one. Taking goods from someone's home under an instrument that is not a court order, selling them, and retaining the proceeds is appropriation of property belonging to another. If done dishonestly — and after formal written notice it is difficult to argue otherwise — it is theft.**

> **THE THEFT ANALYSIS: The charging order itself is not theft — it is fraud (Fraud Act 2006 s.2) and forgery (Forgery and Counterfeiting Act 1981 s.1). But if that charging order is enforced by an order for sale, or if distress is levied and goods are sold under a void LO, at those points the taking of the paying parent's property or proceeds without lawful authority, done dishonestly after notice of the legal position, satisfies every element of Theft Act 1968 s.1. The fraud enables the theft. The forgery supplies the instrument. The theft occurs at the moment property is taken or proceeds extracted on the basis of instruments confirmed as void.**

6D. Fraud by Abuse of Position — s.4 Fraud Act 2006

Section 4 of the Fraud Act 2006 provides that a person commits fraud if they occupy a position in which they are expected to safeguard, or not to act against, the financial interests of another person, and they dishonestly abuse that position, intending to make a gain or cause loss.

CMS civil servants occupy a position of public trust. They exercise statutory powers vested by Parliament in the Secretary of State. The paying parent, the court system, and the public trust them to exercise those powers lawfully. Filing charging order applications using instruments confirmed as administrative templates, after formal notice that they are legally challenged, is an abuse of that position of trust. The gain is the security interest over the property. The loss is borne by the paying parent. This satisfies every element of s.4.

> *SOURCE: Fraud Act 2006 s.4 • DWP FOI2026/50177 • Formal notices on record in AC-2025-LON-001412*

6E. Proceeds of Crime Act 2002 — The Surcharge as Criminal Property

Section 340 of the Proceeds of Crime Act 2002 defines criminal property as property that constitutes a person's benefit from criminal conduct, where the alleged offender knows or suspects that it constitutes or represents such a benefit.

CMS collects a 20% surcharge on all amounts recovered through enforcement. If the enforcement is built on void instruments — false instruments within the Forgery Act 1981 and false representations within the Fraud Act 2006 — then the surcharge collected is a benefit from criminal conduct. It is criminal property under POCA 2002 s.340.

The consequences under POCA 2002 are:

- Section 327: concealing, disguising, converting, transferring or removing criminal property is a criminal offence. Paying the surcharge into DWP accounts is potentially a s.327 offence.
- Section 328: entering into or becoming concerned in an arrangement which facilitates the acquisition, retention, use or control of criminal property is a criminal offence. The TCS BaNCS contract under which CMS processes collections may be such an arrangement.
- Section 329: acquiring, using or possessing criminal property is a criminal offence. DWP retaining surcharge proceeds from void enforcement is potentially s.329.
- NCA suspicious activity report: any professional — lawyer, accountant, financial adviser — who knows or suspects that CMS surcharge proceeds represent the benefit of criminal conduct has a reporting obligation under POCA 2002 s.330. Failure to report is itself a criminal offence.

> *SOURCE: Proceeds of Crime Act 2002 ss.327, 328, 329, 330, 340 • Fraud Act 2006 ss.1-4 • Forgery and Counterfeiting Act 1981 ss.1, 3 • SFO referral RF26030143832C • NCA (active intelligence target)*

6F. The Complete Criminal Map

Stage	Primary Criminal Offence	Statutory Basis
Producing the CMEL7298 template as a court order	Making a false instrument with intent it be accepted as genuine	Forgery and Counterfeiting Act 1981 s.1
Serving the template on the paying parent as a Liability Order	Using a false instrument	Forgery and Counterfeiting Act 1981 s.3
Filing N379 application based on void LO	Fraud by false representation	Fraud Act 2006 s.2
Filing Section 7 falsely asserting no other interest holder	Fraud by false representation (individual statement)	Fraud Act 2006 s.2 • CPR r.32.14 (contempt)
CMS officers continuing enforcement after formal notice of legal position	Fraud by abuse of position	Fraud Act 2006 s.4

Equita levying distress / taking goods under void LO	Wrongful interference with goods (civil) / theft (criminal) after notice	Torts (Interference with Goods) Act 1977 • Theft Act 1968 s.1
Order for sale enforced on basis of void charging order	Theft — appropriation of property without lawful authority	Theft Act 1968 s.1
Surcharge collected on void enforcement retained by DWP	Money laundering — acquiring/using criminal property	Proceeds of Crime Act 2002 ss.327-329
Credit record damaged by RTL registration of void instrument	Fraud by false representation to RTL	Fraud Act 2006 s.2
CMS Enforcement Manager signing CMEL9180 threatening enforcement under void LO	Harassment — course of conduct causing alarm and distress	Protection from Harassment Act 1997 s.2

THE CRIMINAL POSITION STATED PLAINLY: This is not a civil dispute about process. The production and use of the CMEL7298 template as a court order is forgery. Filing charging order applications based on it is fraud. Taking goods or property on the basis of void instruments is theft. Collecting a 20% surcharge on those proceeds is money laundering. These are serious criminal offences carrying substantial custodial sentences. The SFO referral (RF26030143832C) and NCA referral are appropriate responses. Any criminal investigation should focus on: who designed the CMEL7298 template knowing it would be used as a court order; who authorised the charging order programme using these instruments; and who continued to file N379 applications after formal notice that the instruments are void.

> *SOURCE: Forgery and Counterfeiting Act 1981 ss.1, 3, 9 • Fraud Act 2006 ss.2, 4 • Theft Act 1968 s.1 • Torts (Interference with Goods) Act 1977 • Proceeds of Crime Act 2002 ss.327-329, 340 • Protection from Harassment Act 1997 s.2 • DWP FOI2026/50177 • SFO RF26030143832C • GLD Z2500859 para 8*

CASE STUDY: THE PAYING PARENT — CHARGING ORDER ON A DISPUTED DEBT

This case study documents a live CMS charging order case shared with The CMS Files on 29 June 2026. The documents have been examined in full. The analysis below is based entirely on what the documents show. No facts are asserted beyond what is documented. The case illustrates every structural defect identified in this analysis, in a single set of documents received the same morning they were issued.

URGENT — LIVE CASE: Interim Charging Order J0304220 was made on 15 June 2026. The 28-day objection period runs from service. Reconsideration by a District Judge must be requested within 14 days of service. Both deadlines may be live or recently expired. Immediate legal steps are required.

1. The Documents — What They Show

Document	Key Details
Interim Charging Order (N86)	Civil National Business Centre. Claim 074RG199. Charging Order J0304220. Date: 15 June 2026. Claimant: The Child Maintenance Service, Ref 121037531270. Defendant: the paying parent. Property: Willow Oak, School Lane, Stoke Poges, Slough SL2 4QA. Amount: £34,803.27. Made by: Court Officer (not a District Judge). Based on: County Court at Reading order of 2 May 2026 in claim 074RG199.
CMS covering letter (CMEL9180)	Dated 22 June 2026. Signed: Enforcement Manager, Child Maintenance Service — unnamed, illegible signature. States: "the only way to stop this action is by paying what you owe." Reference 1-15EPAB0G. Template reference CMEL9180.
Charging order application (N379) — Statement of Truth	Signed by: Lynn Macdonald. Date: 1 June 2026. Position stated: "Enforcment officer" [misspelled]. Box ticked: "I believe that the facts stated in this application form are true." Capacity box ticked: "Judgment creditor" — meaning she signed as the creditor itself. The alternative box — "I am authorised by the judgment creditor to sign" — was NOT ticked.
N379 application form — judgment creditor address	CMS 21, Mail Handling Site A, Wolverhampton WV9 82BU. Email: northern.enforcementchargingorders@dwp.gov.uk. Reference 121037531270.
Official copy of register of title, BM331337	Issued 1 June 2026. Proprietor: the paying parent. Charges Register shows only the existing Precise Mortgages charge (24.11.2021). No CMS charging order appears on the title register at the date of this copy — the register was obtained before the interim order was registered or the interim order was not yet processed.

2. The Legal Defects — Identified Precisely

Defect 1: Defective Statement of Truth and Wrong Organisation Named

The Statement of Truth on form N379 was signed by Lynn Macdonald, described as "Enforcment officer" [sic — misspelled]. The box she ticked was "I believe the facts stated in this application form are true" — the box for a party signing personally. The box for a representative of the judgment creditor — "I am authorised by the judgment creditor to sign this statement" — was not ticked.

Section 9 of the N379 — Sources of Information, required where the judgment creditor is a company — records: Name of person completing this form: Lynn Macdonald. Position: "Enforcment Office" [misspelled again]. Name of the firm or company: **CMG**.

THE CMG DEFECT — NOT A TYPO: CMG is the Child Maintenance Group, the DWP departmental umbrella body launched in 2012 that contains both the Child Maintenance Service (CMS) and the legacy Child Support Agency (CSA). The claimant named on the interim charging order is "THE CHILD MAINTENANCE SERVICE" — a specific operational service. Lynn Macdonald named her organisation in Section 9 as "CMG" — the umbrella group, not the named claimant. These are not the same entity. The statutory power to apply for a charging order under s.36 CSA 1991 is vested in the Secretary of State, exercised through CMS. CMG is the management group, not the enforcement body. The

Statement of Truth was signed by a person who identified herself as being from the management group rather than from the specific enforcement service that is the named claimant. SOURCE: Child Maintenance Group (Wikipedia, confirmed) • DWP Client Funds Account 2021-22 (gov.uk) • CSA 1991 s.36

This is consistent with bulk processing: staff applying for charging orders on behalf of CMS while identifying themselves by the broader internal organisational identity (CMG), without distinguishing the two for court purposes. The court officer who issued the interim charging order did not check that the organisation named in Section 9 by the signatory matched the named claimant. This is the institutional failure at the heart of this analysis — a process so automated that a home is charged for £34,803.27 without anyone verifying that the person signing the court application identified herself as being from the correct organisation.

> *SOURCE: N379 application form, Section 9 • N379 Statement of Truth • Interim Charging Order J0304220 (claimant: The Child Maintenance Service) • CPR r.22.1 • CPR PD22 • CPR r.32.14*

Defect 2: Made by a Court Officer, Not a District Judge

The interim charging order states it was considered by "the Court Officer" on 15 June 2026. CPR r.73.4(2) permits this for the interim stage. However, Notice 3 on the order itself states: "Where the interim charging order has been made by a court officer, any party may request that the decision be reconsidered by a District Judge. A request for reconsideration must be filed at the Civil National Business Centre within 14 days after a party is served with this order."

This reconsideration right is significant. A District Judge reconsidering the application can examine whether it was properly made, whether the statement of truth was defective, and whether the underlying order is valid. The 14-day window from service must be identified and acted upon immediately.

> *SOURCE: CPR r.73.4(2) and (2A) • Interim Charging Order J0304220 Notice 3*

Defect 3: The Underlying Order Chain

The interim charging order is based on "a judgment or order given on 2 May 2026 by the County Court at Reading in claim no. 074RG199." That County Court order is the immediate foundation of the charge. But the County Court order in a CMS charging order case must itself be based on a valid Magistrates' Court liability order under s.36 CSA 1991. The chain is: valid Magistrates' Court LO → s.36 application to County Court → County Court order → interim charging order.

DWP confirmed in FOI2026/50177 that the only document constituting the liability order is a CMS administrative template — not a court order. If the Magistrates' Court liability order in this case is equally a CMS template, the County Court order of 2 May 2026 has no valid foundation, and neither does this interim charging order. Claim 074RG199 must be examined. the paying parent is entitled to a copy of the claim form and judgment from the Civil National Business Centre.

> *SOURCE: s.36 CSA 1991 • Charging Orders Act 1979 • DWP FOI2026/50177 p.7 • County Court claim 074RG199 (to be obtained)*

Defect 4: Parent With Care — The Children Are Now With the paying parent

The most significant substantive issue is this: the children who are the subject of the maintenance calculation are now living with the paying parent. He is the parent with care. The receiving parent no longer has the children. CMS has been notified of this change and has not amended the parent with care designation.

Section 28E CSA 1991 and Regulation 7 of the Child Support Maintenance Calculation Regulations 2012 (SI 2012/2677) require CMS to carry out a supersession when circumstances change, including a change in the child's living arrangements. Where the child's principal home changes from one parent to the other, the parent with care designation must change accordingly. If CMS has been notified and has failed to act, it is enforcing a debt calculated on a false factual premise — that the child lives with the receiving parent — when CMS has been told that is no longer true.

Section 2 CSA 1991 requires CMS to have regard to the welfare of any child likely to be affected. Enforcing a debt against the parent who now has the children, in favour of the parent who does not, is directly contrary to the welfare of those children and contrary to s.2. No s.2 assessment could properly have concluded that this enforcement serves the children's welfare.

> **THE PARENT WITH CARE DEFECT: CMS is enforcing a debt of £34,803.27 against the parent who now has custody of the children, in favour of the parent who does not. If notified of the change in living arrangements, CMS had a statutory duty to supersede the calculation. Failure to do so means every penny enforced since notification was received is enforced without lawful basis. The debt, to the extent it reflects the period after the children moved to the paying parent, may not legally exist. This is a distinct and independently arguable ground to object to the charging order and to challenge the underlying liability order.**

> *SOURCE: s.28E CSA 1991 • Regulation 7 SI 2012/2677 • s.2 CSA 1991 • CMS written admission (no duty of care to paying parent's household children) • Documents provided by the paying parent, 29 June 2026*

Defect 5: Mortgagee Not Identified for Service

Section 7 of the N379 states: "No other person has an interest in the property (including any co-owners, trustees and persons with rights of occupation)" — box ticked yes, meaning Lynn Macdonald asserted no other person has an interest. But the official copy of register of title BM331337 shows a registered charge in favour of Charter Court Financial Services Limited (trading as Precise Mortgages), registered 24 November 2021. That mortgagee has a registered interest in the property.

Under CPR r.73.5(1)(b), when an interim charging order is made the court must serve notice on any other creditor of whose interest the court is aware. Under CPR r.73.4(2)(b), the application must include a statement of the creditors known to the applicant with an interest in the property. By asserting that no other person has an interest, Lynn Macdonald made a materially false statement in a court document. Charter Court / Precise Mortgages holds a prior registered charge. It should have been identified and served. This is a further defect in the application and a further false statement in the verified form.

> *SOURCE: N379 Section 7 • Title register BM331337, Charges Register entry 2-3 (24.11.2021 charge, Precise Mortgages) • CPR r.73.4(2)(b) • CPR r.73.5(1)(b)*

Defect 6: The Secretary of State Is the Required Applicant at Every Stage — and Is Absent from Every Document

Every enforcement power in the Child Support Act 1991 is vested in the Secretary of State by name. The statute does not authorise CMS, CMG, or any other body to be the applicant. It authorises the Secretary of State.

Stage	Statutory Requirement

Liability Order — s.33(3) CSA 1991	"Where the Secretary of State applies for a liability order, the magistrates' court shall make the order." The applicant is the Secretary of State.
Prescribed LO form — SI 1992/1989 Sch.1	"On the complaint of the Secretary of State for Social Security that the sums specified below are due." The prescribed form named the Secretary of State. Abolished by SI 2021/763. No replacement prescribed.
Charging order — s.36 CSA 1991	"The Secretary of State sought under section 36 of the Act to recover through the County Court, by means of a charging order." The applicant is the Secretary of State.
N379 in this case	Claimant named: "THE CHILD MAINTENANCE SERVICE." Signed by: "Lynn Macdonald, Enforcment Office, CMG." The Secretary of State does not appear anywhere in this application.
Libra register in all cases examined	Informant recorded as: "CMS Child Maintenance Service." Not the Secretary of State.

THE SECRETARY OF STATE IS ABSENT FROM EVERY DOCUMENT. At every stage of the CMS enforcement process documented in this analysis, the statutory applicant — the Secretary of State — does not appear as the named party in the documents actually filed. The Carltona principle permits the Secretary of State's functions to be exercised by civil servants on her behalf. But Carltona does not authorise a different named body to appear as the applicant in court proceedings in place of the Secretary of State. The proceedings are required by statute to be brought by the Secretary of State. They are being brought by CMS, CMG, or unnamed CMS Enforcement Managers. This standing defect runs identically from the Magistrates' Court complaint through to the County Court charging order application.

SOURCE: s.33(3) CSA 1991 • s.36(1) CSA 1991 • SI 1992/1989 Schedule 1 • Interim Charging Order J0304220 • N379 Statement of Truth • Libra certified extracts • DWP FOI2026/50177 p.6 • Carltona Ltd v Commissioners of Works [1943] 2 All ER 560

Step	Detail and Urgency
1. Request reconsideration by District Judge (URGENT)	File at Civil National Business Centre, St Katharine's House, 21-27 St Katharine's Street, Northampton NN1 2LH. Quote: claim 074RG199 and charging order J0304220. Grounds: (a) defective Statement of Truth — wrong box ticked, position misspelled; (b) underlying LO is a CMS template not a court order (attach DWP FOI2026/50177); (c) children now with the paying parent — parent with care not changed. Deadline: 14 days from service of the interim order.
2. File written objection to continuation (28 days from service)	The order itself states: file objection in writing within 28 days. This triggers a hearing before a District Judge or Legal Adviser. File immediately. Attach: DWP FOI2026/50177; evidence that children are now with the paying parent; evidence CMS was notified; Statement of Truth defect argument.
3. Obtain claim 074RG199 documents	Write to Civil National Business Centre requesting: the claim form N1; the particulars of claim; the order/judgment of 2 May 2026; any witness statement filed by CMS. the paying parent as defendant is entitled to these. This will reveal what CMS filed as evidence of the liability order.

4. Register UN1 Unilateral Notice at Land Registry (TODAY)	Form UN1, £40, online at Land Registry portal or by post. Title number BM331337. This flags the live dispute on the title register before any further step completes. Any buyer, lender, or solicitor searching the title will see the dispute.
5. Write to CMS formally demanding	Production of: (a) the Magistrates' Court liability order — court-issued, sealed, signed, with case reference number; (b) the full calculation schedule showing how £34,803.27 was reached; (c) all records of notifications received about the children's living arrangements; (d) the s.2 welfare assessment conducted before initiating enforcement. Require response within 14 days verified by statement of truth (CPR r.22).
6. Report Lynn Macdonald's Statement of Truth to HMCTS	A statement of truth signed in the wrong capacity by a misspelled position is a defective court document. File a formal complaint to the Civil National Business Centre and to HMCTS. CPR r.32.14 provides that contempt proceedings may be brought where a false statement is made in a document verified by a statement of truth without an honest belief in its truth.

4. Why This Case Illustrates the Systemic Problem

The the paying parent documents, received on 29 June 2026, illustrate in a single case every structural defect this analysis has identified:

- The CMS covering letter (CMEL9180) is signed by an unnamed Enforcement Manager — the same pattern as every CMS enforcement letter in every case examined.
- The Statement of Truth is defective — wrong capacity, misspelled position.
- The interim charging order was made by a court officer without a hearing — the standard CMS process.
- The underlying County Court order is based on a Magistrates' Court liability order that has not been produced and cannot be assumed to be valid.
- The s.2 welfare duty has not been addressed — CMS is enforcing against the parent who now has the children, for the benefit of the parent who does not.
- The register title copy shows no CMS charge yet registered — there is a window to act before the interim order becomes final.
- The debt of £34,803.27 is disputed in its entirety, and the basis for the calculation has not been disclosed.

> *SOURCE: Documents provided by the paying parent, 29 June 2026 • Interim Charging Order J0304220 • N379 application and Statement of Truth • CMEL9180 letter • Title register BM331337 • DWP FOI2026/50177*

EQUITA LIMITED — ENFORCEMENT UNDER CRIMINAL AUTHORITY: FULL INTELLIGENCE

This section draws together the complete documented intelligence on Equita Limited's role in CMS enforcement. It is based entirely on primary sources: written admissions, recorded calls, formal notices, DWP complaints correspondence, and public records. Nothing is asserted without a documented foundation. The legal analysis that follows is devastating in its simplicity: Equita has no authority to do anything it has done.

WRITTEN ADMISSION ON RECORD: Equita Limited confirmed in writing on 18 May 2026 that it does not hold the Liability Order. This is the enforcement agent confirming in its own correspondence that it lacks the foundational document required for every power it purports to exercise. Every enforcement act before and after that date is without legal foundation.

1. The Complete Documented Intelligence

Date / Source	What Is Documented
Equita written admission — 18 May 2026	Equita confirmed in writing it does not hold the Liability Order. The enforcement agent has no court order. It has nothing.
Formal liquidated damages notice — 18 May 2026	Served on Equita formally setting out the complete legal position: no valid LO, no Schedule 12 warrant, no registered contract, no statutory delegation. Required response within 14 days.
29-day non-response	Equita did not respond to the formal notice. Enforcement continued regardless. After written notice of the unlawfulness and after their own admission, enforcement continued.
Recorded calls — Equita agent Aaron	Two recorded calls documenting enforcement activity without lawful authority. Equita's own agent confirmed the enforcement position on record.
DWP Complaints — Gavin Ritchie — ENQ2026/39975 — 4 June 2026	DWP's own complaints respondent confirmed in writing that Equita acts on CMS authority — not court authority. This is DWP admitting that the enforcement chain runs from CMS to Equita without any court in it. Gavin Ritchie also acknowledged the criminal allegations in his response.
Director personal warning letters — June 2026	Final warning letters served personally on directors Simon Andrew Jacobs, Paula Jacobs, and Sarah Haley. Each director placed individually on notice of personal liability for misfeasance in public office and harassment. Named as Respondents R11, R12, and R13 in CPR Part 81 contempt application AC-2025-LON-001412.
CPR Part 81 contempt application	Equita directors named alongside CMS officials as respondents. The contempt application covers enforcement continuing after formal notice of unlawfulness.
Public Contracts Finder	No registered contract between DWP/CMS and Equita Limited. The DWP published enforcement contract is with Qualco UK Limited — a debt management software company, not a field enforcement agency. Equita operates under a contract that does not appear in any public register.

No Schedule 12 instrument	Formally challenged. No Schedule 12 TCEA 2007 warrant produced or identified. Without a Schedule 12 warrant, Equita has no power to enter premises, take control of goods, or charge fees.
NCA referral filed	The National Crime Agency has been referred this matter. The referral covers: enforcement without Schedule 12 authority across the full CMS caseload; Equita's written admission; the systemic use of void instruments; the TCS BaNCS verdict; and director personal liability. This is supplementary to SFO RF26030143832C and TVP references BCA-18321-26-4343-IR and INC-20260326-0108.
CMS internal handbook Step 16	CMS's own internal process documentation records the enforcement referral to Equita as an administrative step following the LO process — confirming Equita acts on CMS administrative authority, not court authority.

3. The Contract — What It Actually Says

The enforcement contract between DWP and COLX/Equita has been obtained and analysed. It was awarded as a call-off from the Crown Commercial Services Debt Resolution Services Framework RM6226, under the Direct Award Procedure — meaning no competition, no transparency, no public tender. No live published contract appeared on Contracts Finder for the period after December 2025, yet Equita issued enforcement notices in April 2026. The contract under which Equita enforced in this period was either expired or unpublished. This is the secret contract.

What the contract actually says is more significant than its absence from public registers. Three provisions are examined here. Each is sourced to the contract specification directly.

3.1 The definition of Liability Order — the contractual conflation

The contract specification defines "Liability Order" as:

> *""a Liability Order (LO) granted by a Magistrates Court or made by the Secretary of State, officially recognising or certifying the amount and allowing civil debt recovery action to be taken, including seizing of goods.""* — *DWP/COLX contract specification — definition section*

This single definition is the mechanism that enables the entire enforcement regime. The contract treats two fundamentally different legal instruments as interchangeable: (1) a Liability Order granted by a Magistrates' Court — a judicial instrument made by a court under s.33(3) CSA 1991; and (2) a Liability Order made by the Secretary of State — an administrative instrument under ss.32M/32N CSA 1991 that has never been commenced.

The second category does not exist in law. The administrative LO regime under ss.32M/32N CSA 1991 was never commenced. No commencement order has been made. Andrew Western MP confirmed this in writing on 18 March 2026. Baroness Sherlock confirmed it to the Lords Committee. The Secretary of State has no power to make an administrative LO. The contract definition includes a category of instrument that has no legal existence.

The practical consequence: the contract gives Equita no mechanism to distinguish between a court-issued LO (which must meet the requirements of s.33(3) CSA 1991 and the statutory form) and a CMS administrative template (which DWP has confirmed is "the only document that constitutes the order" — FOI2026/50177 p.7). The contract treats them as equivalent. This is either deliberate — because DWP knew the instruments were not court orders and needed a contractual basis to enforce them anyway — or reckless. Either characterisation is seriously damaging.

> **THE CONTRACT DEFINITION IS THE MECHANISM: The DWP/Equita contract defines Liability Order to include an instrument "make by the Secretary of State" — a category that does not exist in operative law. By including this non-existent category alongside genuine court orders, the contract authorises Equita to enforce on CMS administrative templates as though they were court orders. The contract itself is the document that bridges the gap between what CMS produces and what enforcement agents treat as valid authority. It is the mechanism of the regime.**

3.2 Paragraph 3.9 — Faster Enforcement: DWP sends the orders

The contract specification at paragraph 3.9 states that DWP introduced a "Faster Enforcement" initiative with "an internal target to send any Liability Orders to the Supplier within 21 days of the date the Liability Order was granted or made."

The operative words: DWP sends orders to the Supplier. Not the court. DWP. This is contractual confirmation of what FOI2026/50177 p.6 and COLX's own letter already showed: the document travels from DWP to Equita, not from the court to Equita. The court is not in this chain. DWP generates the instrument, DWP sends it to the enforcement agent, and the enforcement agent acts on DWP's authority. The contract calls this "Faster Enforcement." It is faster because the court has been removed.

3.3 Paragraph 3.6 — Two routes, no verification

The contract specification at paragraph 3.6 states: "The Buyer will make representations in a Magistrates Court and provide evidence of the amount the Customer is liable to pay and that they have failed to do so. The Court or Secretary of State will grant a Liability Order."

The contract explicitly acknowledges two routes to a Liability Order. But it provides no mechanism for the enforcement agent to verify which type of order they have received. No requirement to inspect the instrument for a court seal. No requirement to verify a court case reference number. No requirement to check a named judicial officer signed it. No requirement to confirm the instrument was not generated from a CMS template. Equita receives what DWP sends and enforces it.

COLX's own letter to the Claimant confirmed this in practice: they hold only an electronic record transmitted by CMS. They directed to CMS to obtain the court order. The enforcement agent does not hold the court order because the enforcement chain does not pass through the court. The contract explains why: DWP sends the orders, and the contract does not require the enforcement agent to verify the instrument is court-issued.

3.4 Direct Award — no competition, no scrutiny

The contract was awarded under the Direct Award Procedure from the Crown Commercial Services Debt Resolution Services Framework RM6226. A Direct Award means no competitive tender. No other supplier had the opportunity to review the specification, identify its legal deficiencies, or propose compliant alternatives. The contract that conflates court orders with non-existent administrative orders, authorises DWP to send those instruments directly to enforcement agents, and provides no verification mechanism — was awarded without competition and without the scrutiny that a competitive process would have required.

No live published contract appeared on Contracts Finder for the period after December 2025, yet enforcement continued through April 2026. The contract under which Equita issued its enforcement notices in this case was either expired or unpublished. The Public Contracts Regulations 2015 require contracts above threshold to be published. If the contract expired and was not renewed or published, Equita was enforcing in April 2026 under no current public contract at all.

> *SOURCE: DWP/COLX contract specification — definition section — Liability Order definition • Contract specification para 3.6 and 3.9 • COLX letter to Claimant (electronic record, directed to CMS) • Crown Commercial Services Framework RM6226 (Direct Award) • Contracts Finder (no live contract post-December 2025) • DWP FOI2026/50177 p.7 • Andrew Western MP written answer 18 March 2026 • ss.32M/32N CSA 1991 (never commenced) • Public Contracts Regulations 2015*

4. What the Contract Proves — The Legal Analysis

The contract, taken with DWP's FOI admissions, Equita's own written admission, and COLX's letter, completes the picture. The following can now be stated from primary sources:

106. **DWP/CMS generates the instrument (CMEL7298 template — FOI2026/50177 p.7).**
107. **DWP sends the instrument to Equita (contract para 3.9 — Faster Enforcement).**
108. **The contract defines the instrument as a Liability Order, including a category of instrument (Secretary of State administrative LO) that does not exist in operative law (ss.32M/32N never commenced — Andrew Western MP, 18 March 2026).**
109. **Equita receives the instrument and enforces on it without any mechanism to verify it is a court-issued order (contract para 3.6 — no verification requirement; COLX letter — holds only electronic record).**
110. **Equita confirmed in writing it does not hold the Liability Order (18 May 2026 written admission).**
111. **DWP confirmed Equita acts on CMS authority, not court authority (Gavin Ritchie, ENQ2026/39975, 4 June 2026).**
112. **The contract under which this occurred was awarded without competition, and may have been expired or unpublished for the period of enforcement in this case.**

The contract is not a peripheral document. It is the legal instrument that operationalises the entire enforcement regime described in this analysis. It is the bridge between CMS's administrative templates and Equita's enforcement actions. It was designed, or has the effect, of enabling enforcement without court oversight. Whether that was the deliberate intention or a reckless failure of contract design is a question for the SFO (RF26030143832C) and the NCA.

THE CONTRACT IS SOURCED: The DWP/COLX enforcement contract has been obtained and analysed in this investigation. The definition, the Faster Enforcement provision, and the two-route paragraph are all from the contract specification. Legal professionals and justice organisations reviewing this document can request a copy of the contract through FOI or through CPR r.31.12 specific disclosure in any pending litigation. The contract reference is the Crown Commercial Services Debt Resolution Services Framework RM6226 call-off contract between DWP and COLX Group/Equita Limited.

The legal consequences of the documented intelligence above are not complex. They are simple. Every enforcement act Equita has performed is void. Not voidable. Void. The distinction matters enormously.

A voidable act has legal effect until set aside. A void act has no legal effect at all. It never did. The absence of a valid court order means Equita has never had any power. Every letter threatening enforcement is a false representation under Fraud Act 2006 s.2. Every visit to a property is trespass. Every fee charged is unlawful enrichment. Every sum extracted under a void LO is appropriated without right — and where dishonestly done after formal notice, it is theft under Theft Act 1968 s.1.

2.1 The statutory chain and why Equita stands outside it

Section 35(1) CSA 1991 vests the distress power in the Secretary of State. Regulation 30(2) SI 1992/1989 permits the Secretary of State to authorise enforcement. Schedule 12 TCEA 2007 governs enforcement agents. All three links in this chain require a valid Liability Order as their foundation. There is no valid Liability Order. DWP confirmed this. Equita confirmed this. There is therefore no s.35 power. Without s.35, there is no Reg.30(2) authority. Without Reg.30(2), Equita has no statutory basis for anything.

2.2 The contract — acting without authority

Equita operates under a contract with DWP/CMS that does not appear on Public Contracts Finder as required by the Public Contracts Regulations 2015. DWP's own published enforcement contract is with Qualco UK Limited. A contract to exercise coercive enforcement powers is only lawful if it is underpinned by valid statutory authority at every link. Where the underlying LO is void, the contract purports to grant powers that CMS itself does not have. A contract cannot transfer a power the transferor does not hold. Equita's contract — whatever its terms — cannot authorise Equita to exercise powers that CMS cannot lawfully delegate because CMS itself does not possess them.

2.3 Gavin Ritchie's admission — confirmed in DWP complaints

DWP complaints respondent Gavin Ritchie confirmed in ENQ2026/39975 on 4 June 2026 that Equita acts on CMS authority. This is not an incidental observation. It is a formal DWP admission in writing that the enforcement chain runs from CMS to Equita without a court order in it. The court has been bypassed at both ends: CMS issues the instrument without court involvement; Equita enforces it without court authority. DWP's own complaints team has now confirmed this in writing.

2.4 Personal liability of named directors

Simon Andrew Jacobs, Paula Jacobs, and Sarah Haley were personally served with formal warning letters in June 2026 and named individually as Respondents R11, R12, and R13 in the CPR Part 81 contempt application. Each director received formal written notice of the legal position before the warning deadline. None responded. Enforcement continued after the deadline.

The three Rivers District Council v Bank of England [2001] UKHL 16 test for misfeasance in public office requires: (1) a public officer; (2) who exercises a public power; (3) knowing the act is unlawful or with reckless indifference to its lawfulness; (4) causing loss. Enforcement agents exercising statutory powers under a void instrument, after written notice of the unlawfulness, who do not respond and continue enforcement, satisfy limbs (1) to (4). The personal warning letters and the non-response create the evidential record required.

2.5 The financial scale

Equita is not a small operator. If Equita operates without Schedule 12 authority across its full CMS caseload, the total unlawful extraction across all cases runs to millions of pounds annually. Every fee charged under Taking Control of Goods (Fees) Regulations 2014 (SI 2014/1) on the basis of a void Schedule 12 warrant is an unlawfully charged fee. Every sum collected is collected without right. Every 20% CMS surcharge on those collections is the benefit of a criminal process. Under POCA 2002 s.340, those proceeds are criminal property.

> **EQUITA'S COMPLETE LEGAL POSITION: Equita Limited has no Schedule 12 authority. It has no publicly registered contract. It acts on CMS administrative authority, not court authority — admitted in writing by DWP. It confirmed in writing it does not hold the Liability Order. It received formal notice of the unlawfulness and did not respond. It continued enforcement. Its directors were personally warned and did not respond. The enforcement it has conducted is not merely unlawful. After formal written notice, it is criminal. The offences engaged are: Fraud Act 2006 s.2 (false representation that enforcement is authorised); Theft Act 1968 s.1 (appropriation of goods or proceeds without right where dishonestly done); Protection from Harassment Act 1997 s.2 (course of conduct causing alarm after notice); and misfeasance in public office (Three Rivers [2001] UKHL 16).**

> *SOURCE: Equita written admission 18 May 2026 • Formal liquidated damages notice 18 May 2026 • DWP ENQ2026/39975 (Gavin Ritchie, 4 June 2026) • Director personal warning letters June 2026 • CPR Part 81 contempt application AC-2025-LON-001412 • Public Contracts Finder (no registered Equita contract) • Recorded calls with Equita agent Aaron • NCA referral filed • SFO RF26030143832C • Three Rivers DC v Bank of England [2001] UKHL 16 • POCA 2002 ss.327-329, 340*

SECTION 33(4) CSA 1991 — HOW IT CAN BE CHALLENGED AND WHY IT MUST BE FIXED BEFORE ANY COMMENCEMENT

Section 33(4) of the Child Support Act 1991 is the statutory provision that prevents any court from examining whether the maintenance calculation is correct at the enforcement stage. It is primary legislation enacted by Parliament. This document has explained at length what it does. This section answers a different question: how can it be challenged, and what must happen before any commencement of the administrative liability order regime?

The short answer to whether they want s.33(4) to be Article 6 compliant is no. DWP withheld its own legal advice on Article 6 compatibility under FOI IR2026/14071. A public body does not withhold legal advice about a provision it believes is compliant. The withholding is itself evidence that DWP knows s.33(4) is incompatible and has chosen not to address it.

1. Why s.33(4) Is Not Article 6 Compliant — The Precise Analysis

Article 6(1) ECHR requires that in the determination of civil rights and obligations, everyone is entitled to a fair and public hearing by an independent and impartial tribunal. Child maintenance enforcement determines civil obligations. Article 6 applies in full.

Section 33(4) violates Article 6 in combination with the structure of the enforcement regime for three precise reasons:

113. **The body that calculates the debt (CMS) is the same body that applies for the order to enforce it, and earns a 20% surcharge on all amounts collected. The European Court of Human Rights held in Tsfayo v United Kingdom [2006] ECHR 981 that where the primary decision-maker has a financial interest in the outcome, the Article 6 violation is not cured by a later judicial review that cannot rehear the facts. CMS has a direct financial interest. The bar in s.33(4) ensures the facts are never independently examined.**

114. **The paying parent has no forum at any stage of the enforcement process at which an independent tribunal can examine whether the debt asserted against them is correct. The FTT can examine the calculation but its findings cannot bind the enforcement process. The Magistrates' Court is barred by s.33(4). The appeal court on an N161 is equally barred. Judicial review cannot rehear the facts (Tsfayo). There is no combined forum. This is the complete denial of access to justice condemned in R (Unison) v Lord Chancellor [2017] UKSC 51.**

115. **The 2023 Act replicates the same bar in s.32N(4). Parliament has now codified the Article 6 incompatibility into the proposed replacement regime. The problem is not incidental to the legislation. It is embedded in its architecture by deliberate design.**

2. The Four Challenge Routes — All Available Now

Route 1: Section 4 Human Rights Act 1998 — Declaration of Incompatibility

The most powerful domestic route. Section 4 HRA 1998 empowers the High Court to make a formal declaration that a provision of primary legislation is incompatible with a Convention right. A declaration does not strike down the legislation — Parliament remains sovereign — but it places on the legal record that Parliament has legislated incompatibly with fundamental rights. Section 10 HRA 1998 then provides a fast-track ministerial power to amend the offending provision by remedial order, without the need for full parliamentary process.

This route is available in the current judicial review AC-2025-LON-001412. A s.4 declaration of incompatibility should be sought as part of the relief. The grounds are: s.33(4) combined with the financial interest of CMS in the outcome, and the absence of any forum capable of independently examining the debt, violates Article 6(1) ECHR. Tsfayo is the direct authority. The declaration would not stop the current regime tomorrow — but it would create a binding legal record that Parliament must address.

> **IMPORTANT: A s.4 HRA declaration is not an effective remedy for ECtHR Article 35 purposes because the minister has a power but not a duty to amend (Hobbs v United Kingdom). However it is a required domestic step before the ECtHR route is available, and the political and reputational pressure of a High Court incompatibility declaration is significant.**

Route 2: The European Court of Human Rights — After Domestic Remedies

Once domestic remedies are exhausted, the ECtHR route is available. Tsfayo v United Kingdom [2006] ECHR 981 is the direct precedent: the UK lost a case on identical structural grounds (a financially interested body making the primary determination, no independent rehearing of facts). The ECtHR found a violation of Article 6. An application in this case, based on the same structural argument, would be admissible once domestic remedies are exhausted.

The four-month time limit (Protocol 15) runs from the date of the final domestic decision. Domestic remedies must be pursued fully first. The current JR must proceed to its conclusion, then Court of Appeal if needed, then Supreme Court. Only then is the ECtHR available. But the case for a violation is strong. Tsfayo is binding. The UK has not reformed its position since that judgment in a way that addresses the CMS structural problem.

Route 3: Challenge to Any Commencement Instrument for the 2023 Act

This is the sharpest available route for forcing Parliamentary action. If the Government attempts to commence the administrative liability order regime under ss.32M/32N CSA 1991 — as amended by the 2023 Act — without first removing the s.32N(4) calculation bar and providing genuine Article 6 compliance, that commencement would be judicially reviewable on the day it is made.

The grounds are precise: s.32N(3) of the 2023 Act requires the Secretary of State to make regulations providing an appeal right before commencement. Those regulations have not been made. Commencing without them breaches the mandatory statutory requirement. The s.32N(4) bar replicates the s.33(4) Article 6 problem exactly. Commencement without fixing it would commence a regime that is incompatible with Article 6 from its first day of operation. Any paying parent or public interest organisation could challenge a commencement instrument on these grounds the moment it is laid.

> **THE COMMENCEMENT TRAP: The Government cannot lawfully commence the 2023 Act regime without: (1) making appeal regulations under s.32N(3); (2) removing or replacing the s.32N(4) calculation bar to provide genuine Article 6 compliance; (3) addressing the s.2 welfare duty; and (4) dealing with the Secretary of State standing issue. If it attempts commencement without these steps, that commencement is judicially reviewable on multiple grounds from day one. If it does not commence, CMS continues to operate without any legal authority for its enforcement regime. It is caught between two positions, both of which are unlawful.**

Route 4: Parliamentary Pressure and Private Member’s Bill

Section 33(4) can be repealed or amended by Parliament at any time. A government amendment to the CSA 1991 removing s.33(4) and replacing it with a genuine right to contest the calculation before a genuinely independent tribunal would be the simplest fix. In practice this requires political will that has not existed. The campaign evidence in this document — submitted to Debbie Abrahams MP, Callum Anderson MP, and through parliamentary questions — is designed to create that political will.

3. What Parliament Must Do Before Any Commencement

This document sets out the minimum legal requirements for any lawful commencement of the 2023 Act regime. These are not policy recommendations. They are legal requirements derived from the statute and the Convention.

Requirement	Legal Basis
Remove or replace the s.32N(4) calculation bar	Article 6 ECHR • Tsfayo [2006] ECHR 981 • The bar replicates the structural incompatibility of s.33(4) exactly. Without removing it, commencement creates a new regime with the same fundamental defect.
Provide a genuinely independent appeal tribunal with power to rehear the facts	Article 6(1) ECHR • A court that cannot rehear the facts does not satisfy Article 6 (Tsfayo). The appeal body must be capable of independently examining whether the debt is correct, not merely whether the administrative process was followed.
Remove the financial conflict of interest	Nemo iudex in causa sua • Tsfayo • The 20% surcharge on enforcement creates a direct financial interest in making and enforcing ALOs. The surcharge structure must be reformed or the decision-making must be made independent of the collecting body.
Make the appeal regulations under s.32N(3)	Section 32N(3) CSA 1991 as inserted by s.4 of the 2023 Act • This is a mandatory statutory requirement. Commencement without these regulations breaches the Act itself.
Address the s.2 welfare duty	Section 2 CSA 1991 • Regulations must require documented s.2 compliance before each ALO, covering all children in the paying parent's household including non-qualifying children.
Provide pre-order notice	Article 6 • Natural justice • Making an ALO without prior notice to the paying parent violates audi alteram partem. Regulations must require advance notice and an opportunity to make representations before the order is made.
Produce the legal advice on Article 6 compatibility	Three Rivers DC v Bank of England (No.6) [2004] UKHL 48 • DWP withheld its Article 6 legal advice under FOI IR2026/14071. Where the primary question is whether a process is itself unlawful, LPP does not shield advice on how to conduct or continue that process. The advice must be disclosed.

4. Why They Don't Want Article 6 Compliance

The question of why the government has not addressed the Article 6 problem in thirty years of CMS enforcement requires a precise answer. This document does not speculate about motives. It documents the structural consequences of compliance.

Genuine Article 6 compliance in CMS enforcement would require:

- CMS to prove the debt before enforcement — meaning independent examination of TCS BaNCS calculations that the NAO has confirmed contain approximately £29.7 million in errors.
- An independent tribunal to examine whether the debt is correct before an order is made — meaning paying parents could and would contest calculations that are wrong.
- The removal of the 20% surcharge from the decision to enforce — or the decoupling of the enforcement revenue stream from the decision-making body.
- The disclosure of DWP's own legal advice on Article 6 compatibility — which DWP has refused to disclose under FOI IR2026/14071, and which Three Rivers (No.6) [2004] UKHL 48 requires to be disclosed where the process itself is alleged to be unlawful.

Together, Article 6 compliance would reduce enforcement revenues, expose calculation errors, require genuine judicial scrutiny, and produce the disclosure that DWP has withheld for years. The political and financial incentive to maintain the status quo is direct and documented. That incentive does not make non-compliance lawful. It explains why it has persisted.

> *SOURCE: s.33(4) CSA 1991 • s.4 HRA 1998 • Article 6(1) ECHR • Tsfayo v United Kingdom [2006] ECHR 981 • R (Unison) v Lord Chancellor [2017] UKSC 51 • Three Rivers DC v Bank of England (No.6) [2004] UKHL 48 • DWP FOI IR2026/14071 (withheld Article 6 legal advice) • Child Support (Enforcement) Act 2023 s.4 (s.32N(3)-(5)) • Hobbs v United Kingdom*

A GUIDE FOR LEGAL PROFESSIONALS AND JUSTICE ORGANISATIONS — CALL TO LEGAL ACTION

This document is not merely an account of what has happened in one case. It is a forensic legal analysis of a systemic enforcement regime that has operated without lawful authority across hundreds of thousands of cases for years. Every source cited is primary. Every admission is documented. Every case law reference is verified. The conclusions are not asserted — they are proved from the government's own admissions.

This section is addressed directly to legal professionals, justice-focused solicitors, barristers, McKenzie friends, and legal organisations who are considering how to engage with the issues documented here. It sets out what has been established, what legal action is available, and what needs to happen now.

1. What Has Been Established — The Irreducible Facts

The following facts are established from primary sources. They are not disputed by DWP, CMS, or GLD — each is sourced to a written admission from the relevant government body:

116. **CMS employees issue the summons, post it, and certify service. Not the court. Confirmed: DWP FOI2026/50177 p.6.**
117. **The only document constituting the Liability Order is a CMS administrative template. Not a court order. Confirmed: DWP FOI2026/50177 p.7.**
118. **HMCTS holds no order on the court file. Defendants are directed to CMS to obtain the order. Confirmed: HMCTS officer Veer email confirmation, case 2400113035.**
119. **Leicester Magistrates' Court confirmed no court-issued summons and no signed LO on file in the Parent B case. Parent B served 42 days in prison on the basis of instruments the court confirms it never issued.**
120. **The administrative LO regime that would lawfully authorise this has never been commenced. Confirmed: Andrew Western MP written answer 18 March 2026; Baroness Sherlock Lords Committee March 2026.**
121. **CMS has a 20% financial interest in every enforcement outcome. Combined with s.33(4), no independent body examines the debt at any stage. Confirmed structurally by the regime's own design.**

122. **Equita Limited confirmed it does not hold the Liability Order. DWP confirmed Equita acts on CMS authority, not court authority. Confirmed: Equita written admission 18 May 2026; DWP ENQ2026/39975 4 June 2026.**

123. **CMEL7298_v011, disclosed 29 June 2026, confirms the three-simultaneous-signatory defect and the blank "Taken before me" field are embedded in the template since at least January 2020 across at least 11 versions. Confirmed: DWP IR2026/48392.**

124. **A County Court charging order application examined in June 2026 contains five documented defects including a Statement of Truth signed by a person from the wrong organisation (CMG not CMS) with the wrong box ticked, falsely stating no other person has an interest in a property with a registered mortgage. Confirmed: N379 application documents.**

125. **Lancaster County Court rejected a CMS charging order application on 8 June 2026, providing independent judicial confirmation that the underlying instrument does not found a valid charge.**

2. Available Legal Actions — For Individual Cases

Every paying parent who has been subject to CMS enforcement has a potential legal claim. The basis and route depend on the individual circumstances but the following apply systemically:

Legal action	Basis and what it requires
N161 appeal against Liability Order	Section 111A MCA 1980 • 21-day limit from service (PD30A 9.5) • Grounds: void underlying summons (DWP FOI2026/50177); no JP authorisation (s.51 MCA 1980, ex parte Hill [1983]); informant wrong (CMS not Secretary of State); register entry unsigned and unsigned • Attach HMCTS Veer confirmation and DWP FOI2026/50177
N244 application to set aside in judicial review	CPR r.3.1(7) • Grounds: void LO; slip rule misapplication; enforcement during live proceedings • Available in any pending High Court matter
Reconsideration of interim charging order	CPR r.73.4(2A) • 14 days from service • No court fee • No prescribed form • Grounds documented in this analysis • Discharge application to follow within 28 days
N244 to set aside final charging order	CPR r.3.1(7) • Grounds: void underlying LO; defective Statement of Truth on N379; failure to serve prior registered chargeholder • Mortgagee should be joined
Land Registry objection / FTT Property Chamber	Land Registration Act 2002 s.73 • Any person can object to a registration • Grounds: registered on basis of void instrument • No issue fee for initial objection
UK GDPR Article 17 erasure — RTL	UK GDPR Art.17 • RTL confirmed registrations without a lawful LO • Data processed on basis of false instrument is not lawfully processed • Erasure request to RTL and CMS; ICO complaint if refused

County Court claim for damages	Unlawful interference with goods (TIGA 1977); false imprisonment; misfeasance in public office (Three Rivers [2001] UKHL 16); harassment (PHA 1997) • Each enforcement act on a void instrument is a separate actionable wrong • Damages include: fees unlawfully charged; sums unlawfully extracted; credit record damage; property encumbrance costs; psychological harm
s.4 HRA declaration of incompatibility	Section 4 HRA 1998 • Available in any High Court proceedings • Grounds: s.33(4) CSA 1991 incompatible with Article 6 ECHR (Tsfayo [2006]) • Requires High Court or above • No remedy in itself but triggers s.10 ministerial amendment power
SFO / NCA referral	SFO RF26030143832C already active • NCA referral filed • Any professional with knowledge of criminal proceeds has reporting obligation under POCA 2002 s.330

3. For Justice Solicitors and Barristers — What to Review

Any legal professional advising a client who has been subject to CMS enforcement should review the following documents as a minimum before advising:

- **DWP FOI2026/50177 (25 June 2026) — pages 6, 7, and 10. The central admission. Available on WhatDoTheyKnow.**
- **DWP IR2026/48392 (29 June 2026) — internal review decision disclosing CMEL7298_v011. Available at whatdotheyknow.com/request/1418452-d98a2744.**
- **HMCTS officer Veer email confirmation — case 2400113035 — no order on court file.**
- **Lancaster County Court — DJ McAteer — 8 June 2026 — charging order rejected.**
- **RTL letter March 2026 — registrations without a lawful LO.**
- **GLD Z2500859 para 8 — judicial admission in live High Court proceedings — CMS served the summons.**
- **CMEL7298_v011 — the template itself — confirms three simultaneous signatories, blank "Taken before me," and blank Dated field as the template design since at least January 2020.**

Any client with a CMS Liability Order made at any time under the 2012 scheme should be advised of the systemic challenges documented in this analysis. The position is not that some orders are defective. The position, supported by DWP's own admissions, is that no order produced by the CMEL7298 process has ever been a valid court order. Every such order is challengeable on the same grounds.

4. Mass Claims — The Litigation Landscape

The systemic nature of the defects identified in this analysis makes this a natural candidate for group litigation. The defects are not individual — they are embedded in the template (CMEL7298_v011), the system (Libra/HMCTS interface), and the regime (ss.32M/32N never commenced). Every paying parent who received enforcement under the CMS2012 scheme has been subject to the same structural defects.

Group litigation or representative proceedings under CPR Part 19 would require: a lead claimant; a common issue (the validity of the CMEL7298 process); and a group litigation order. The common issues are precisely identified in this document. The lead claim is AC-2025-LON-001412. The evidence base is assembled here.

Justice-focused legal organisations, legal aid providers, and pro bono units are invited to review this analysis and the primary sources it cites. The evidence of systemic unlawful enforcement is documented from the government's own admissions. Legal challenges can be prepared and commenced. The grounds are not speculative. They are proved.

THIS DOCUMENT IS A STARTING POINT, NOT LEGAL ADVICE. Every case is different. Every paying parent's circumstances are individual. This document identifies the systemic legal framework and the documented evidence base. It does not constitute legal advice for any individual case. Any person wishing to challenge a CMS Liability Order, charging order, or enforcement action should seek qualified legal advice, consult a solicitor with public law experience, or contact an organisation with experience in administrative law and human rights litigation.

Contact — Justice Lawyers, Legal Organisations and Affected Parents

If you are a legal professional, justice organisation, or affected paying parent who wishes to review the primary evidence, discuss the legal grounds identified in this analysis, or explore the potential for group litigation or coordinated legal challenge, please contact:

Christina Little — Director, The CMS Files

Email: thebigchildmaintenancescandal@gmail.com

Investigation platform: thecmsfilesuk.netlify.app

All primary source documents referenced in this analysis — including DWP FOI responses, HMCTS written confirmations, the Equita written admission, GLD correspondence, parliamentary answers, and the CMEL7298_v011 template — are held and available for review. Legal professionals engaged in CMS enforcement challenges are invited to contact The CMS Files to access the full evidence bundle and to discuss coordinated legal strategy.

5. What Needs to Happen at Parliamentary Level

This document has been shared with Debbie Abrahams MP, Callum Anderson MP, and through parliamentary questions to ministers. The parliamentary demands are precise:

126. **Section 33(4) CSA 1991 must be amended or repealed before any commencement of the 2023 Act regime. An incompatible provision cannot be carried forward into the replacement regime under s.32N(4).**
127. **The Government must disclose its legal advice on Article 6 compatibility of s.33(4) — withheld under FOI IR2026/14071. Three Rivers (No.6) [2004] UKHL 48 requires disclosure where the process itself is alleged to be unlawful.**
128. **A genuinely independent tribunal capable of examining whether the debt is correct must be established before enforcement can commence — not merely an appeal that cannot examine the calculation.**

129. **A public inquiry must be established into the CMS enforcement regime, with terms of reference covering the design and implementation of the CMEL7298 process, the legal advice obtained, the TCS BaNCS contract, and the consequences for paying parents including imprisonment, charging orders, and credit damage.**

130. **Parliament must respond to the Post Office Horizon parallel. The same systemic features — state-adjacent body using own IT system to generate unverifiable debt figures, financial interest in enforcement, no independent scrutiny, institutional closure of challenge routes, people imprisoned for debts that may not exist — are present in the CMS enforcement regime. Parliament established a statutory inquiry into Horizon. The same standard of accountability is required here.**

> *SOURCE: This analysis in its entirety • AC-2025-LON-001412 • DWP FOI2026/50177 • DWP IR2026/48392 • GLD Z2500859 • s.4 HRA 1998 • Article 6(1) ECHR • Tsfayo v United Kingdom [2006] ECHR 981 • Three Rivers DC v Bank of England [2001] UKHL 16 • R (Unison) v Lord Chancellor [2017] UKSC 51 • POCA 2002 • SFO RF26030143832C • NCA referral filed*

SUPPLEMENTARY A — HMCTS INTERNAL GUIDANCE

This Part analyses HMCTS's own internal guidance on the liability order process, which provides admissions directly from HMCTS about how the system operates in practice.

6A.1 The HMCTS Notes Page — Institutional Admission

> *"IMPORTANT — If you oppose the liability order, do not attend court on the date that appears on the court summons. That date is for uncontested applications only. If you are contesting the case, the court will put the case off to another hearing."* *— HMCTS Notes Page — included in the CMS summons pack — produced and authorised by HMCTS*

This is HMCTS's own document. It confirms that the hearing date is a bulk administrative exercise for uncontested cases. Contested defendants are told to stay away from their own hearing. This structural exclusion of defendants from the process at which orders are made against them is independently sufficient for an Article 6 violation without recourse to any other argument.

6A.2 No Prescribed Form Since September 2021 — SOURCED

SI 2021/763 (The Child Support (Consequential and Miscellaneous Amendments) Regulations 2021) abolished Schedule 1 to the principal enforcement regulations with effect from 29 September 2021. Schedule 1 was the prescribed form for liability orders. From that date, no prescribed form exists. The CMEL7298 template in use has no legislative authority as a form. CMS has been generating a self-designed document and presenting it as a liability order without any regulatory basis for its format since at least September 2021.

> *SOURCE: SI 2021/763 • legislation.gov.uk • confirmed in force*

6A.3 Creditor Software Generates the Notice — HMCTS Confirmation

> *"The general practice around the country is for the local authority to produce the order after the court has made it."* — *Tim Smith, Justices' Clerk for Devon, Cornwall and Dorset — HMCTS — WhatDoTheyKnow FOI*
>
> *"A paper copy of the Liability Order will be produced by the Local Authority. There is no statute which authorises (or prevents) a Local Authority from producing the Liability Order once it has been granted by the Magistrates."* — *Karen Hamilton, Customer Investigations Officer — HMCTS — WhatDoTheyKnow*

HMCTS has confirmed in its own FOI responses that: (1) creditor software (local authority or CMS) generates the notice; (2) courts do not produce physical liability orders; (3) there is no statute authorising this. The absence of a prohibiting statute does not create authority. A body exercising a power must identify the source of the power. Neither CMS nor HMCTS has identified any statutory authority for CMS to produce the document that is served on paying parents as a court order.

> *SOURCE: Both from WhatDoTheyKnow.com • HMCTS officer responses • verified against FOI archive*

SUPPLEMENTARY B — SI 2020/284 — THE DELEGATED POWER AND ITS LIMITS

6B.1 What SI 2020/284 Provides

The Magistrates' Courts (Functions of Authorised Persons — Civil Proceedings) Rules 2020 (SI 2020/284) allows certain judicial functions in civil proceedings to be delegated to authorised persons. The Schedule lists decisions that may be so delegated, including the issuing of summonses. This was the basis on which the court in Peacekeepers [2025] EWHC 1493 found the summons-issuing practice was lawfully authorised in council tax proceedings.

6B.2 Why the CMS Position Is More Serious

The CMS position is critically distinguishable from council tax even in light of SI 2020/284:

- **In council tax proceedings, court staff issue the summons through the court's own system (Libra). In CMS proceedings, CMS employees issue the summons from Wolverhampton on a CMS template, dispatched to all courts nationally. CMS employees are not "authorised persons" under SI 2020/284 — they are DWP civil servants.**
- **DWP confirmed in FOI2026/50177 that "HMCTS provide approval to CMS to issue summons, CMS employees then physically post and certify the issue." This "approval" from HMCTS is administrative, not a designation of CMS employees as authorised persons under Part 6A Courts Act 2003.**
- **DWP confirmed in FOI2026/50177 that no legal advice has been obtained on whether CMS is authorised to issue summonses. The practice was implemented without legal basis examination.**

- **The Peacekeepers court specifically distinguished its finding to the council tax context. The question of whether SI 2020/284 authorises DWP employees operating from a national dispatch centre to issue summonses for CMS proceedings across all courts in England and Wales is not resolved by that decision.**

SOURCE: SI 2020/284 • DWP FOI2026/50177 • Peacekeepers [2025] EWHC 1493 para 93 • Courts Act 2003 Part 6A

SUPPLEMENTARY C — THE FIVE STRUCTURAL GAPS

This Part identifies five structural gaps in the CMS enforcement process — points at which the legal framework requires something to happen but nothing does. These are not procedural irregularities that can be waived under MCA 1980 s.123. They are substantive failures at the level of jurisdiction and fair process.

Gap	What the Law Requires and What Actually Happens
Gap 1: JP Record	Rule 98 (as substituted by SI 2019/1367) requires the designated officer to record the name of the authorising JP or court officer before issue. SOURCED ADMISSION: No such record has been produced in any proceedings related to this document despite formal written requests to multiple courts.
Gap 2: Court File	The court must hold a record of the complaint, the summons, and the order on its file. SOURCED ADMISSION: HMCTS confirmed in writing for multiple cases that no court-issued summons and no signed liability order is held. HMCTS: "The court does not produce physical liability orders anymore."
Gap 3: Valid Complaint	Regulation 28(1) SI 1992/1989 requires the application to be "by way of complaint." A complaint is a juridical act initiating the court's jurisdiction. SOURCED ADMISSION: GLD confirmed CMS served the summons — GLD Z2500859 para 8. The Libra extract identifies the informant as "CMS Child Maintenance Service" not "Secretary of State" as required by s.33(1) CSA 1991.
Gap 4: Satisfaction Test	Section 33(3) CSA 1991 requires the court to be "satisfied" that payments are due and unpaid. SOURCED: At the 27 March 2026 hearing, 48 orders were made in approximately one minute each on the bare oral assertion of CMS presenting officers. No individual documentary evidence was produced or examined. Section 33(4) simultaneously prohibits the court from examining whether the debt is correct.
Gap 5: Uncommenced Regime	Parliament enacted ss.32M/32N CSA 1991 as the lawful route for administrative LOs. SOURCED ADMISSION: Two ministers confirmed the regime has never been commenced. The existence of that uncommenced route proves the current court-based process cannot be administratively bypassed.

SUPPLEMENTARY D — WHY THE 27 MARCH 2026 BULK ORDERS ARE VOID

This Part sets out six independent grounds on which the 48 orders made at the 27 March 2026 bulk hearing are void. Each ground is capable of voiding the orders independently. Together they are overwhelming.

Ground 1 — No Valid Originating Complaint — SOURCED

The GLD admitted at paragraph 8 of Z2500859 that CMS served the summons. The Libra extract records the informant as "CMS Child Maintenance Service" not the Secretary of State. Section 33(1) CSA 1991 requires the Secretary of State to apply. The court had no valid complaint before it. Proceedings without valid originating complaint are a nullity: ex parte Hill [1983] 1 AC 328.

Ground 2 — No JP Authorisation Record — SOURCED

No record of JP authorisation has been produced despite formal written requests. The designated officer is required by Rule 98 to record the name of the authorising JP or court officer. If no such record exists, the summons was void. Proceedings on a void summons are a nullity.

Ground 3 — The Satisfaction Test Was Not Met — SOURCED

Section 33(3) requires the court to be satisfied that payments are due and unpaid. Forty-eight orders in one hearing on the bare oral assertions of CMS presenting officers does not constitute satisfaction of an individual statutory test for each defendant. The statutory precondition was not met.

Ground 4 — The Lay Representative Was Removed — SOURCED

The paying parent’s lay representative was removed by security at the 27 March 2026 hearing after raising the s.51 MCA 1980 jurisdictional challenge. The paying parent has dyslexia — a condition specifically recognised in the McKenzie Friend Practice Guidance as a basis for right of audience. Their removal without a ruling on the jurisdictional challenge, and the subsequent making of the order, violates Article 6 ECHR and the common law right to a fair hearing.

Ground 5 — No Individual Judicial Consideration — SOURCED

DJ Sharma made 48 orders at one bulk hearing. This is documented on CourtServe. No individual judicial consideration can have been applied to 48 separate cases simultaneously. The statutory exercise required by s.33(3) is an individual act for each defendant. Bulk processing of this kind is inconsistent with the judicial exercise required: Brentford JJ ex parte Catlin [1975] QB 455.

Ground 6 — Contest Was Known and Not Adjourned — SOURCED

Mr Nicholson had contested the application in advance. This was known to CMS. The HMCTS notes page — HMCTS’s own document — states that contested cases are adjourned to another date. The case was not adjourned. The order was made in direct contravention of the HMCTS notes page itself.

All six grounds exist independently. Any one is sufficient to void the order. Together they make the order void on multiple cumulative bases. The N161 appeal filed on 16 April 2026 sets out all six grounds.

SUPPLEMENTARY E — NO INDEPENDENT APPEAL ROUTE

Three separate forums exist that are relevant to CMS disputes. None of them sees the complete picture. This is not a flaw in the system — it is by design. The fragmentation of remedies is a structural feature that prevents any single forum from examining the full illegality.

Forum	Scope and Limitation
Mandatory Reconsideration	Examines the calculation only. CMS reviews its own decision. NOT independent. Does NOT examine the summons, the order, or the process. Does NOT pause enforcement.
First-tier Tribunal	Examines the calculation figure only. Cannot quash the order. Cannot award damages. Does NOT examine the summons or process. Does NOT pause enforcement.
Family Court N161 (s.111A MCA 1980)	Examines the order and the process. 21-day time limit — strict. Cannot examine the calculation (s.33(4) still applies). Does NOT automatically pause enforcement — separate s.113 stay required.
Judicial Review — Administrative Court	Can examine the entire process including summons, order, Article 6, and statutory framework. The only forum that can consider s.4 HRA declaration of incompatibility. High threshold for permission. No automatic stay.
County Court N244	Can set aside void order and derived instruments. Best route for charging order challenges. Lancaster rejection 8 June 2026 validates this route.

The critical point from Tsfayo v United Kingdom [2006] ECHR 981 is that the availability of a later judicial review remedy does not cure an Article 6 violation at the primary stage where the judicial review cannot rehear the facts. Mandatory Reconsideration and the First-tier Tribunal cannot cure the violation at the summons and liability order stage because: (1) they do not examine the summons or order process; (2) they cannot quash the order; and (3) enforcement has already proceeded by the time any tribunal rules.

SOURCE: Tsfayo [2006] ECHR 981 • s.33(4) CSA 1991 • s.111A MCA 1980 • s.113 MCA 1980

SUPPLEMENTARY F — SECTION 33(4) — THE STRUCTURAL PARADOX

Section 33(4) CSA 1991 creates an irresolvable constitutional paradox within the statute itself. Understanding this paradox is essential to the Article 6 case and the s.4 HRA 1998 declaration of incompatibility argument.

The Paradox Stated

Section 33(3) requires the court to be "satisfied that the payments in question have become payable by the liable person and have not been paid." This requires genuine judicial satisfaction — an active evaluation of the evidence that payments are due and unpaid.

Section 33(4) provides that "the court is not to question whether — (a) a maintenance calculation is, or was, correct; or (b) an amount of child support maintenance is, or was, payable."

> **THE PARADOX: The court cannot be genuinely satisfied (s.33(3)) that payments are due and unpaid without examining whether the amount is correct (s.33(4)). Genuine judicial satisfaction of the s.33(3) test requires examining the thing s.33(4) prohibits examining. The statute contains a logical contradiction that makes genuine judicial compliance with both provisions simultaneously impossible.**

The Government's Own Contradiction

The government publicly asserts Article 6 compatibility of the enforcement regime while refusing to disclose the legal advice on which that assertion is based (DWP FOI IR2026/14071, withheld under Legal Professional Privilege). A government confident in its legal position has little reason to withhold the advice. The withholding is itself circumstantial evidence that the advice does not straightforwardly support the assertion of compatibility.

Lord Nicholls in Farley v Child Support Agency [2006] UKHL 31 at paragraph 18 stated that s.33(4) is only tolerable where adequate alternative challenge routes exist to examine the debt question. Those routes have now been demonstrated to be inadequate in practice: the NAO confirmed £29.7 million in incorrectly calculated amounts despite those routes having operated for years.

> *SOURCE: s.33(3) and (4) CSA 1991 • DWP FOI IR2026/14071 • Farley v CSA [2006] UKHL 31 at para 18 • NAO CMS accounts*

SUPPLEMENTARY G — RTL DISCLOSURE AND MINISTRY OF JUSTICE SILENCE

Registry Trust Limited (RTL) is the body that maintains the Register of Judgments, Orders and Fines. It records court orders that creditors register against debtors. RTL's registration of CMS liability orders on credit records constitutes the most widespread direct financial harm to paying parents caused by the scheme.

16.1 What RTL Confirmed — SOURCED

RTL confirmed in writing that CMS Liability Order entries on its register were added upon receipt of a "Return of Judgment for Registration" document from CMS — not from a court record. RTL used the specific phrase "without a lawful Liability Order" in describing the CMS registration process. RTL raised concerns directly with HMCTS and the Ministry of Justice.

RTL CONFIRMATION: "Without a lawful Liability Order" — RTL's own description of the basis on which CMS entries were registered on credit records. SOURCE: RTL letter — 25 March 2026

16.2 The Criminal Analysis

Every CMS liability order registered by RTL as a court judgment when DWP has confirmed no court-issued order exists is:

- **A false representation to RTL that a court judgment exists — Fraud Act 2006 s.2**
- **A false instrument used to damage a credit record — Forgery and Counterfeiting Act 1981 s.3**
- **Inaccurate personal data entered on a credit register — breach of Article 5(1)(d) UK GDPR**
- **Potentially money laundering by creating apparent legal title to funds without lawful basis — Proceeds of Crime Act 2002**

16.3 Ministry of Justice Silence

RTL raised its concerns directly with HMCTS and the Ministry of Justice. As of the date of this document, neither HMCTS nor the MoJ has publicly disclosed what action, if any, has been taken in response. A public body that receives formal notification that a third party is registering instruments "without a lawful Liability Order" as court orders on a statutory register and takes no disclosed action has questions to answer about its own discharge of its statutory functions.

SOURCE: RTL letter March 2026 • Fraud Act 2006 s.2 • Forgery Act 1981 s.3 • UK GDPR Art.5(1)(d) • POCA 2002

SUPPLEMENTARY H — MK MAGISTRATES COURT — INSTITUTIONAL SILENCE

Milton Keynes Magistrates Court has received: the N161 appeal filed 16 April 2026; the s.113 MCA 1980 stay application; the contempt application; and multiple formal correspondence items. As of 26 June 2026 — ten weeks after the N161 was filed — no acknowledgement, case reference, listing date, or response of any kind has been received.

17.1 The Legal Duties the Court Is Not Discharging

- Section 115 Crime and Disorder Act 1998 — a duty to disclose information to another body where it would be consistent with an enactment and necessary or expedient to prevent crime. The court is aware of the matters in this document and has a statutory disclosure function.

- The common law duty of a court to respond to proceedings filed before it within a reasonable time — engaged by Article 6 ECHR which guarantees a hearing within a reasonable time.
- The duty to acknowledge and process a valid appeal filed under s.111A MCA 1980 — silence for ten weeks while enforcement continues is not consistent with this duty.

17.2 What Was Filed

N161 appeal: filed 16 April 2026 by recorded delivery, copied to GLD, DWP, and the Administrative Court. Grounds: s.33(3) not met; lay rep removed; court exceeded jurisdiction; DWP admitted CMS issued summons. No acknowledgement. Enforcement continued throughout.

Contempt application: filed alleging that continued enforcement after the N161 was filed, without a stay, while the appeal is pending, constitutes contempt. No response. Enforcement continued.

Claimant's Note to Administrative Court: filed 22 June 2026 formally placing on the High Court record that no court-issued documents have been produced in response to five-day formal demand. No direction from Administrative Court.

> **Ten weeks of institutional silence from a court that has received a filed appeal, a contempt application, and an enforcement pause application — while enforcement continues against a household with children — is not administrative delay. It is the institutional refusal to engage with a challenge to a process the institution participates in.**

SUPPLEMENTARY I — GLD — CROWN DUTY AND OBLIGATION TO REPORT

18.1 GLD Is Not Acting for the Crown

The Government Legal Department's own Framework Document states that GLD lawyers act for the Crown and that the Crown's interest is the public interest — not the narrow litigation interest of an individual government department. GLD is not acting for the Crown in these proceedings. It is defending a scheme that its own client's agency has admitted does not comply with primary legislation, that has imprisoned a person for a debt its own witness acknowledged he had paid, and that operates on instruments with no statutory basis.

18.2 The Duty of Candour

In judicial review proceedings, government lawyers are subject to the duty of candour: R v Lancashire County Council ex parte Huddleston [1986] 2 All ER 941. The duty requires disclosure to the court of all relevant material, including material adverse to the government's case. GLD has not disclosed to the Administrative Court: the s.2 CSA 1991 written admission; the SI 2021/763 prescribed form abolition; the HMCTS multi-court confirmations; the RTL disclosure; DWP's withheld Article 6 legal advice; the criminal conduct at the 27 March 2026 hearing; or the Johanne Wilkie payment admission.

18.3 SRA Obligations

Each GLD solicitor named in this document is personally subject to the SRA Code of Conduct 2019. Rule 1.4 (integrity), Rule 2.4 (not misleading the court), Rule 2.7 (duty to the court overrides duty to client), and Rules 7.7/7.8 (not abusing position) are all engaged by the conduct described. This document is being submitted to the SRA as a formal conduct referral.

> *SOURCE: R v Lancashire CC ex parte Huddleston [1986] 2 All ER 941 • SRA Code of Conduct 2019 • GLD Framework Document*

SUPPLEMENTARY J — GLD — PATTERN OF CONDUCT ACROSS MULTIPLE PROCEEDINGS

THIS PART IS ADDRESSED TO: Ryan Jummun; Katie Meredith; Josephine Wallwork (GLD); the Solicitors Regulation Authority; the Administrative Court. It documents conduct across multiple High Court proceedings and will be submitted as a formal SRA referral.

19.1 Two Simultaneous Proceedings — One Pattern

Ryan Jummun (GLD) was simultaneously: (1) defending the legality of the CMS enforcement process in AC-2025-LON-001412 (Nicholson v Secretary of State) with full knowledge of the evidence in this document; and (2) defending the imprisonment of an individual in AC-2025-LON-004194 (Begg v Governor HMP Peterborough) on the basis of the same enforcement process — filing the Johanne Wilkie witness statement which acknowledged at paragraph 23 that the individual had made payments towards the debt for which he was imprisoned.

> *"The arrears figure took account of those reduced payments the NRP had paid directly."* — *Johanne Wilkie, DWP/CMS Judicial Review and Litigation Senior Manager — Witness Statement para 23 — AC-2025-LON-004194*

Mr Justice Calver, considering the habeas corpus application, could not identify from the papers which court had made the underlying Liability Order. The individual was released early without explanation — consistent with the prison having identified the warrant was problematic. GLD then sought costs against the applicants for bringing a habeas corpus application that had produced early release.

19.2 What GLD Knew and When — Documented

Date	What GLD Knew
9 March 2026	GLD admitted at para 8 of Z2500859 that CMS served the summons — establishing the core summons defect.
March–April 2026	Formal notices served on GLD: s.2 written admission; SI 2021/763 abolition; HMCTS multi-court confirmations; RTL disclosure; DWP withheld Art.6 advice.

5 December 2025	Johanne Wilkie witness statement filed by GLD in AC-2025-LON-004194 acknowledged payments had been made by imprisoned individual.
28 November 2025	Mr Justice Calver's order: Administrative Court judge could not verify existence of genuine LO. GLD was party and knew.
22 June 2026	GLD received five-day demand for court-issued documents. DWP FOI2026/50177 confirmed no such documents exist. GLD had not disclosed this.

19.3 What GLD Was Required to Do and Did Not

- **Advise the Secretary of State that the enforcement process has operated without adequate statutory basis since SI 2021/763 and must be suspended pending review.**
- **Make full disclosure to the Administrative Court of all adverse material including the s.2 admission, the prescribed form abolition, and the multi-court HMCTS confirmations.**
- **Report to the court in AC-2025-LON-004194 that GLD's own filed evidence acknowledged the imprisoned individual had made payments, fundamentally undermining the basis for imprisonment.**
- **Decline to seek costs against a habeas corpus applicant whose application produced early release from what GLD's own evidence suggested was a questionable imprisonment.**
- **Respond to formal notices by the stated deadlines with responses verified by a named individual.**

> **GLD cannot unknow what is documented in this Part. Continuing to defend proceedings with full knowledge of this evidence, without proper disclosure to the court, creates serious personal professional risk for each named solicitor under the SRA Code of Conduct 2019. This Part is being submitted to the SRA as a formal conduct referral in respect of Ryan Jummun, Katie Meredith, and Josephine Wallwork.**

> *SOURCE: AC-2025-LON-001412 • AC-2025-LON-004194 • GLD Z2500859 • Johanne Wilkie witness statement • SRA Code of Conduct 2019*

THE COMPLETE LOOP: NO INDEPENDENCE AT ANY LEVEL

This section draws together the documented evidence across every forum that has been engaged in this case. The conclusion is precise and factual, not rhetorical: at every stage of the enforcement and challenge process, the body the paying parent must approach either participates in the regime being challenged, lacks the power to examine the right question, or has simply not responded. This is documented. It is not asserted.

Two recent primary documents complete the picture. First, the CMS letter of 22 June 2026 (Ref 105795048) declared the matter concluded, refused to produce the court-issued summons, the court-issued Liability

Order, the Equita contract, the Schedule 12 warrant, or a documented s.2 welfare assessment, and threatened not to respond to further correspondence. Second, the GLD email of approximately 25 June 2026 (GLD Ref Z2500859, Ryan Jummun) responded to the same demand by stating the Defendant would await a court disclosure direction before any further consideration. Three days after GLD's response, DWP's own Central FOI Team confirmed in FOI2026/50177 that the CMEL7298 template "is the only document that constitutes the order." The question of whether a court-issued Liability Order exists has therefore been answered by DWP itself.

CMS says: go to court. GLD says: we await a court direction. The court has not issued that direction. The N161 appeal has been unanswered for over ten weeks. The N244 is undetermined after eight months. Enforcement continues throughout. This is the loop: every body points to another body, and no body independently examines the lawfulness of what is happening.

The Loop — Mapped

The following maps every forum engaged and the documented outcome. Nothing here is alleged. Every entry is sourced to a primary document.

Forum / Body	Documented Position and Outcome
Mandatory Reconsideration (CMS internal)	CMS reviews its own calculation. The creditor reviews itself. No independence by definition. Directed paying parents to this route from the 27 March 2026 bulk hearing instead of to the FTT.
First-tier Tribunal (Social Entitlement Chamber)	Can examine the maintenance calculation only. Cannot examine the summons, the order, or the enforcement process. Cannot quash. Cannot award damages.
Magistrates' Court (N161 appeal, s.111A MCA 1980)	N161 appeal filed 16 April 2026. Over ten weeks of silence. No acknowledgement, no reference, no listing, no stay. Enforcement continued throughout.
High Court — Administrative Court (JR AC-2025-LON-001412)	Judicial review active. N244 from 27 October 2025 still undetermined — over eight months. Claimant's Note of 22 June 2026 not acted upon. The slip rule amendment was made by the court, without notice, while the N244 was pending, after the Claimant's specific written objection. No enforcement stay granted.
High Court — Administrative Court (enforcement pause application)	Application filed. No direction issued. Enforcement continued.
High Court — contempt application	Application filed. No action. No listing.

CMS Complaints (internal)	CMS letter 22 June 2026 (Ref 105795048): declared the matter concluded; refused to produce court-issued documents; refused to engage with s.2 welfare assessment demand; threatened to limit further responses; directed any challenge to "appropriate legal channels."
Government Legal Department (GLD Z2500859)	Email approximately 25 June 2026 (Ryan Jummun): declined to produce documents pending a court disclosure direction. Does not assert the documents exist. DWP's own FOI team confirmed three days later the court-issued LO does not exist.
JCIO (DJ Arvind Sharma complaint, SRA 25195)	11 grounds filed. Administered by HMCTS. No outcome disclosed.
HMCTS Complaints (Ref 82381182)	Written admission of administrative error on a separate point. No action on the substantive process challenge.
Thames Valley Police (BCA-5654-26-4320-03 etc)	TVP Professional Standards admitted in writing that the offences reported are not civil matters — they are criminal. TVP admitted confusion between state-based offences and victim-based crimes at first contact and confirmed a crime was recorded. Despite this admission and crime recording, TVP has refused to investigate. No statutory basis for the refusal to investigate recorded state crimes has been provided. The Police Reform Act 2002 requires reasons for non-investigation of recorded crimes. None has been given. IOPC complaint filed.
SFO (RF26030143832C)	Active referral. No disclosed outcome.
Parliamentary (Debbie Abrahams MP, Callum Anderson MP)	Engagement active. PHSO referral pending.
Registry Trust Limited	Confirmed registrations made "without a lawful Liability Order." Raised concerns with HMCTS and MoJ. MoJ has not disclosed any action taken.

Why the Loop Exists — The Structural Reason

The loop is not accidental. It is the product of a specific structural design. CMS is simultaneously the creditor, the enforcement authority, the complaints respondent, and the body that calculates the debt. The legislation that would have created a formal administrative liability order regime — ss.32M/32N CSA 1991 — has never been commenced. It is important to be precise about what that regime would and would not have changed. It would have removed the Magistrates' Court hearing — the hollow procedural step currently barred from examining the debt by s.33(4). It would not have changed who makes the instrument (CMS), who calculates the debt (CMS), who collects the surcharge (CMS), or who the paying parent can challenge. Section 32N(4) replicates the s.33(4) calculation bar exactly: on appeal, the court cannot question the maintenance calculation. The substantive constitutional problems — no independent scrutiny of the debt, a financially interested party making the order, no genuine forum — are preserved unchanged in the uncommenced regime. The ALO regime would have been more transparent about being administrative rather than judicial. It would not have been more lawful in substance. Every challenge route currently runs through HMCTS, and HMCTS approved the CMS summons process, provides the system infrastructure through which CMS generates enforcement documents, maintains the Marston contract, and administers the bodies that hear complaints about itself (JCIO).

This is what makes it a loop rather than a hierarchy. A hierarchy would have an independent body at the top capable of examining the complete picture. What exists instead is a series of bodies each of which can examine only one part of the picture, none of which is independent of the process being challenged, and all of which are administered by or connected to the institution whose conduct is in question.

> **The documented facts, taken together, establish that there is no forum within the current domestic system that has independently examined whether the debt is lawfully calculated, whether the summons was lawfully issued, whether the Liability Order is a valid court order, and whether the enforcement is lawful — all at the same hearing, with both parties present, before an independent tribunal. Section 33(4) CSA 1991 prohibits the court from examining the debt at the LO hearing. The FTT cannot examine the order. The Magistrates' Court appeal has been unanswered. The Administrative Court has not granted a stay. There is no combined forum. That is the loop.**

CMS Letter 22 June 2026 — What the Refusal Reveals

The CMS letter of 22 June 2026 refused to produce: the court-issued summons; the court-issued Liability Order; the Equita contract; the Schedule 12 warrant; and a documented s.2 welfare assessment considering all four children affected by the calculation. The letter stated: "Any challenge to the validity of the liability order or enforcement action must be pursued through the appropriate legal channels."

This direction to use legal channels is notable for three reasons. First, DWP's own FOI team confirmed three days later that the Liability Order is a CMS administrative template — not a court order. There is nothing to challenge. The challenge has already been answered by DWP's own admission. Second, the "appropriate legal channels" CMS points to are the same channels documented in the table above — all of which have either not responded, declined to act, or are administered by bodies connected to the process being challenged. Third, the s.2 welfare assessment question is not a matter for any of those legal channels. It is a question about whether CMS complied with a statutory duty before initiating enforcement. CMS has never answered it.

The letter is signed only as "Client Services Manager Child Maintenance Service" with an illegible signature and no named individual — the same pattern as the Liability Order letter of 31 March 2026. A formal refusal in live High Court proceedings signed by an unnamed official.

> *SOURCE: CMS letter 22 June 2026 Ref 105795048 • DWP FOI2026/50177 (25 June 2026) • CMS letter 31 March 2026 (same unsigned format)*

The European Court of Human Rights — The Honest Position

The question of whether this case can be referred to the European Court of Human Rights (ECtHR) requires an honest and precise answer. The ECtHR is a real option in principle but has specific admissibility requirements that must be met before any application can be made. This document sets out the position accurately.

What the ECtHR Can Do

The European Court of Human Rights sits in Strasbourg and hears applications from individuals alleging that a signatory state has violated their rights under the European Convention on Human Rights. The United Kingdom remains a signatory. Individuals can apply directly. The Court has previously found violations by the United Kingdom across Articles 6, 8, and Article 1 Protocol 1.

The Primary Admissibility Requirement: Exhaustion of Domestic Remedies

Under Article 35(1) of the Convention, an application to the ECtHR is only admissible after all domestic remedies have been exhausted. The ECtHR confirmed: “The Court may only deal with the matter after all domestic remedies have been exhausted, according to the generally recognised rules of international law.” For UK applicants, this generally means pursuing the case through the courts up to the highest level with the power to remedy the complaint.

In the current proceedings, the High Court judicial review (AC-2025-LON-001412) is still active. A Court of Appeal application has not yet been made. The UK Supreme Court has not been reached. Domestic remedies have not therefore been exhausted in the technical Article 35 sense, and an ECtHR application made now would likely be declared inadmissible on that ground.

> *SOURCE: Article 35(1) ECHR • ECtHR Practical Guide on Admissibility Criteria (updated February 2026) • House of Commons Library Briefing SN05353 (May 2026)*

The Ineffective Remedy Exception

The ECtHR has confirmed that the exhaustion requirement does not apply where the domestic remedy is ineffective. The Court’s own guidance states: “If a remedy is seen by the Court as not being effective, then there is no need for an applicant to have exhausted it.” The Court has also confirmed that an applicant cannot be required to exhaust a remedy that is manifestly inadequate or futile.

The ECtHR has further confirmed an exception where there is evidence of an “administrative practice” — meaning a repetition of acts prohibited by the Convention combined with official tolerance by the State — such that any proceedings would be futile. For this exception to apply, both elements must be sufficiently supported by prima facie evidence.

Whether the documented pattern in this case — ten weeks of silence on a filed appeal, an N244 undetermined after eight months, an enforcement pause application producing no direction, the slip rule amendment made without notice while the N244 was pending, and the institutional closure documented across every forum — constitutes an “effective remedy” or an “administrative practice” within these definitions is a question for qualified legal advice from a barrister or solicitor with ECtHR experience. This document does not make that assessment.

> *SOURCE: ECtHR Q&A on Exhaustion of Domestic Remedies (2023) • Article 13 ECHR (right to an effective remedy) • Meyer & Nouzha Avocats analysis of Article 35 exceptions*

Important Practical Points About the ECtHR

- The time limit is four months from the date of the final domestic decision. Once domestic remedies are exhausted, the clock starts immediately. It cannot be extended.
- The application must be made on the official ECtHR application form. Legal representation is not required for the initial application but is strongly advised. Legal aid is available in some cases before the Court.
- A declaration of incompatibility under s.4 Human Rights Act 1998 — which would require primary legislation to be identified as incompatible with Convention rights — is not itself an effective remedy for ECtHR Article 35 purposes, because the minister has a power but not a duty to amend the legislation.
- Approximately 90% of ECtHR applications are rejected as inadmissible. The substantive Articles most relevant to this case are Article 6 (right to a fair trial), Article 5 (right to liberty, in respect of the imprisonment of Parent B), Article 8 (right to family and private life), and Article 1 Protocol 1 (protection of property).
- The UK remains a signatory to the Convention. The ECtHR's jurisdiction over UK cases is unaffected by Brexit.

> *SOURCE: ECtHR Practical Guide on Admissibility Criteria • Protocol 15 (four-month time limit, in force since August 2021) • UK Human Rights Blog analysis • Hobbs v United Kingdom (s.4 HRA not effective remedy for Article 35 purposes)*

The Recommended Domestic Steps First

Before any ECtHR application can be made, the following domestic steps should be pursued and documented:

131. **Court of Appeal permission to appeal — against the amended order of 9 February 2026 (if not already filed). This is the most urgent step given the four-month time limit issue once a final domestic decision is reached.**
132. **Listing and determination of the N244 from 27 October 2025, which has been pending for over eight months and has never been determined.**
133. **Application for specific disclosure under CPR r.31.12, requiring GLD to produce or confirm the non-existence of the court-issued summons, court-issued Liability Order, Equita contract, and Schedule 12 warrant.**
134. **s.4 HRA declaration of incompatibility application in the Administrative Court, seeking a formal declaration that s.33(4) CSA 1991 is incompatible with Article 6 ECHR. This creates the domestic record that the ECtHR will need to see.**
135. **PHSO referral through the MP route — to create a further documented domestic record of institutional failure and its consequences.**

Only when domestic remedies have been pursued to the highest available level — and that level has failed to remedy the violation — will the ECtHR route be technically open. Given the strength of the documented evidence, the ECtHR route is a realistic longer-term option if domestic remedies fail. It is not available now.

What a Full Independent Investigation Requires

The documented pattern across every forum, combined with the primary source evidence in this document, justifies a formal demand for independent investigation that goes beyond any single body's remit. The following is what that investigation must examine, based only on what has been documented:

Question	Primary Evidence Basis
Did any justice of the peace authorise the summons served on Mr Nicholson?	DWP FOI2026/50177 p.6 — CMS employees post and certify; HMCTS provides administrative approval only; GLD Z2500859 para 8 — CMS served the summons
Is the CMEL7298 template a court order within the meaning of s.33 CSA 1991?	DWP FOI2026/50177 p.7 — "this is the only document that constitutes the order"; HMCTS confirmations across four courts — no court-issued LO on file
Does Equita hold a Schedule 12 TCEA 2007 warrant, a registered contract, and a statutory delegation instrument?	Public Contracts Finder — no registered Equita contract; Equita written admission — does not hold the LO; no statutory delegation instrument identified
Was a s.2 CSA 1991 welfare assessment carried out for all four children affected by the calculation?	CMS written admission — no duty of care to three household children; Johanne Wilkie witness statement para 23 — payments acknowledged; no documented s.2 assessment produced despite formal demand
Did the court close the case while the N244 was pending, and if so why?	Case closure confirmed; N244 from 27 October 2025 still undetermined over eight months later; case reopened to process GLD application only
Were communications between GLD and the court in the period 31 October 2025 to 9 February 2026 copied to the Claimant as specifically requested?	Christina Little email 31 October 2025 — explicit request; GLD email 14 January 2026 — not copied; amended order sealed 9 February 2026 — Claimant not notified before amendment
Did the 27 March 2026 bulk hearing comply with the requirements of s.33(3) CSA 1991?	DJ Sharma; 48 simultaneous orders; lay rep removed; jurisdictional challenge not ruled upon; Libra records defendant as absent when physically present
Does HMCTS have a data sharing agreement with DWP/CMS that allows interface with Libra or Common Platform?	DWP FOI2026/50177 p.6 — subsidiary system interfaces with HMCTS system; Common Platform access for prosecuting organisations; data sharing agreement required — not disclosed

NOT MERELY PROCEDURAL FAILURES. The questions above cannot be answered by any single body currently engaged in this case, because every body that could answer them is either the respondent to the challenge, lacks the statutory power to examine the relevant question, or has not responded. A genuinely independent investigation — with

power to examine all questions simultaneously, compel production of documents, and report publicly — is the only mechanism capable of answering them.

CONCLUSION

The evidence in this document, gathered from primary sources and updated to 2 July 2026, establishes the following as facts confirmed by the government's own admissions. Every item is sourced. None is alleged.

- **CMS issues its own summonses without statutory authority — confirmed by DWP in FOI2026/50177 and by the Government Legal Department in live High Court proceedings.**
- **The CMS template is the only document constituting the Liability Order — confirmed by DWP's own Central Freedom of Information Team on 25 June 2026.**
- **Courts stopped producing physical liability orders — confirmed by HMCTS in multiple FOI responses.**
- **CMS enters itself as the issuing court on Marston arrest notices — confirmed by a Marston Recovery arrest notice in which the issuing court field reads "CMS."**
- **The administrative liability order regime that would lawfully authorise this conduct has never been commenced — confirmed by two ministers in two Houses of Parliament within days of each other.**
- **No legal advice was obtained on whether CMS is authorised to issue summonses — confirmed by DWP.**
- **Enforcement agents operate without publicly registered contracts for the powers they exercise — confirmed by the absence of entries on the Government's Public Contracts Finder.**
- **The courts have ignored a filed N161 appeal for ten weeks, ignored an application to pause enforcement, and ignored a contempt of court application — while enforcement continues daily.**
- **HMCTS has provided infrastructure, given administrative approval, and maintained contracts that enable this system — and has not acted when formally notified it is producing unlawful outcomes.**
- **The CMEL7298 template has at least 11 documented versions since January 2020 — confirmed by DWP internal review IR2026/48392 on 29 June 2026. The three-simultaneous-signatory defect and the blank "Taken before me" field are embedded in the template by design, not by error.**
- **The DWP/Equita enforcement contract defines Liability Order to include an instrument "make by the Secretary of State" — a category that has never existed in**

operative law. The contract is the mechanism by which CMS templates are treated as court orders.

- **DWP confirmed in writing that Equita acts on CMS authority, not court authority. Equita confirmed it does not hold the Liability Order. Both admissions are on record.**
- **A Lancaster County Court District Judge independently rejected a CMS charging order application on 8 June 2026, providing judicial confirmation that the underlying instrument does not found a valid charge.**

The administrative liability order regime under sections 32M and 32N of the Child Support Act 1991 does not exist in law. Parliament has not enacted it. CMS has been operating as though it did — issuing its own summonses, producing its own orders, entering itself as the issuing court on arrest notices, instructing enforcement agents without registered contracts, registering charges against homes, and imprisoning individuals — under a legal framework that has never been created.

The demands of this document are not aspirational. They are the minimum required response to what has been proved:

136. **A full independent investigation into CMS enforcement — with power to compel documents, examine witnesses, and report publicly.**
137. **Disclosure of all DWP legal advice on Article 6 compatibility of s.33(4) CSA 1991 — withheld under FOI IR2026/14071.**
138. **Amendment of s.33(4) CSA 1991 before any commencement of the administrative liability order regime.**
139. **An immediate audit of every CMEL7298-generated Liability Order, charging order, and credit register entry dating from at least 1 January 2020.**
140. **A review of every imprisonment carried out under the CMS2012 enforcement regime.**
141. **Referral of the Equita contract and the Faster Enforcement programme to the Serious Fraud Office, supplementary to RF26030143832C.**
142. **Engagement by justice-focused legal organisations to bring group litigation on behalf of paying parents subject to enforcement under this regime.**

This document is not the end of an investigation. It is the beginning of accountability.

Contact: thebigchildmaintenancescandal@gmail.com • thecmsfilesuk.netlify.app

This is not a process that needs reform. It is a process that has never had legal authority. The N161 appeal is ignored. The contempt application is ignored. Enforcement continues. This document is a formal demand for independent criminal investigation.

APPENDIX — TEMPLATES FOR LEGAL CHALLENGE

This Part contains three templates: (1) formal letter to Land Registry challenging an unlawful entry; (2) court application (N244) to set aside a Liability Order and associated entries; (3) demand letter to CMS requiring the Memorandum of Entry under s.33 MCA 1980 signed by the Secretary of State as informant. These are research frameworks — not legal advice. Adapt to your circumstances and seek qualified legal assistance before filing or serving any document.

TEMPLATE A — FORMAL LETTER TO HM LAND REGISTRY

FORMAL CHALLENGE TO LAND REGISTRY ENTRY

NOTICE UNDER S.65 LAND REGISTRATION ACT 2002 AND ARTICLE 17 UK GDPR — REQUEST TO REMOVE UNLAWFUL ENTRY

Date: [DATE]

To: Land Charges Department, HM Land Registry, Citizen Centre, PO Box 74, Gloucester GL14 9BB

Also to: [Name of Creditor / Charging Order Applicant], [Address]

Re: Title number [YOUR TITLE NUMBER] — Property at [ADDRESS] — Notice / Restriction registered by Child Maintenance Service / Charging Order dated [DATE]

I am the registered proprietor of the above property. I write to formally challenge the validity of the Notice / Restriction [delete as applicable] registered against my title on [DATE] in connection with an alleged CMS Liability Order, and to request its removal.

1. BASIS OF CHALLENGE

The entry is based on a purported Liability Order made in CMS enforcement proceedings. The entry is invalid on the following grounds, all of which are sourced to primary evidence:

(a) SOURCED: The Department for Work and Pensions confirmed in FOI2026/50177 (25 June 2026, page 7): "This is the only document that constitutes the order" — referring to the CMEL7298 template produced by CMS. No court-issued order exists. The court produces nothing.

(b) SOURCED: HMCTS confirmed in writing for this and other cases that no court-issued summons and no signed Liability Order is held on any court file.

(c) SOURCED: A County Court judge (DJ McAteer, Lancaster County Court, 8 June 2026) refused to make final a Charging Order based on a Magistrates Court Liability Order — confirming that the instrument type is insufficient for enforcement.

(d) SOURCED: Registry Trust Limited confirmed that CMS entries were registered "without a lawful Liability Order."

(e) Section 36(1) Child Support Act 1991 permits a charging order only where a valid Liability Order has been made. DWP confirms no valid court-issued LO exists. The statutory precondition for the charging order was not met.

2. GROUNDS FOR REMOVAL UNDER s.65 LRA 2002

Under section 65 of the Land Registration Act 2002, the court may order the alteration of the register. The grounds include: (a) that the entry was made on the basis of a void instrument; (b) that the underlying order has been set aside. I intend to apply to the County Court for an order setting aside the Liability Order under CPR r.40.9 / N244. I ask Land Registry to note this dispute and to place a restriction on further dealings pending the outcome of those proceedings.

3. UK GDPR ARTICLE 17 — RIGHT TO ERASURE

Independently of the LRA 2002 ground, I apply under Article 17 UK GDPR for erasure of the personal data entered against my title. The data — the registration of a court order — is inaccurate (DWP confirms no court order exists) and was processed unlawfully (the registration was of a document that DWP confirms is not a court order, in circumstances where s.36(1) CSA 1991 required a valid court order). Article 5(1)(d) UK GDPR requires personal data to be accurate. This data is not accurate. It must be erased.

4. WHAT I REQUIRE

143. Removal of the Notice / Restriction from my title within 14 days, OR
144. Written confirmation of the reason Land Registry declines to remove it, so that I may apply to the court for an alteration order under s.65 LRA 2002.
145. Note of this formal dispute against the title pending determination.

I will issue County Court proceedings (N244) to set aside the Liability Order and the charging order without further notice if removal is not confirmed within 14 days.

Signed: _______________ — [FULL NAME] — Date: _______________

TEMPLATE B — COURT APPLICATION (N244) TO SET ASIDE LIABILITY ORDER

APPLICATION NOTICE — FORM N244 FRAMEWORK

APPLICATION TO SET ASIDE LIABILITY ORDER ON GROUND OF NULLITY — COUNTY COURT

Court: [NAME] County Court

Claim Number: [TO BE ALLOCATED]

Applicant: [YOUR NAME], [ADDRESS]

Respondent: Secretary of State for Work and Pensions, [via CMS solicitors / GLD]

WHAT ORDER ARE YOU ASKING THE COURT TO MAKE?

1. A declaration that the Liability Order purportedly made against the Applicant on [DATE] by [COURT NAME] Magistrates' Court is a nullity and void ab initio on the grounds set out below.

2. An order setting aside the purported Liability Order.

3. An order setting aside any Charging Order, Deduction from Earnings Order, and any other enforcement instrument derived from the purported Liability Order.

4. An order directing the removal of any Land Registry entry and any RTL credit register entry made on the basis of the purported Liability Order.

5. An interim stay of all enforcement pending determination of this application.

6. Costs.

WHY ARE YOU MAKING THIS APPLICATION?

GROUND 1: No valid originating complaint — SOURCED

The Government Legal Department admitted in Z2500859 paragraph 8 (9 March 2026) that the summons was served by the Child Maintenance Service, not issued by the court. The Libra extract records the informant as "CMS Child Maintenance Service" — not the Secretary of State as required by s.33(1) Child Support Act 1991. There was no valid complaint before the court. R v Manchester SM ex parte Hill [1983] 1 AC 328 (HL): proceedings without valid originating complaint are a nullity.

GROUND 2: No JP authorisation record — SOURCED

No record of JP authorisation has been produced despite formal written requests to the court. Rule 98 (as substituted by SI 2019/1367) requires the designated officer to record the name of the authorising JP or court officer. The Libra extract contains no such record. Without JP authorisation, the summons was void and the court had no jurisdiction.

GROUND 3: The only document is a CMS template — SOURCED

DWP confirmed in FOI2026/50177 (25 June 2026, page 7): "This is the only document that constitutes the order." The document is the CMEL7298 template produced by CMS — not a court order. The court produces no separate instrument. HMCTS confirmed: "The court does not produce physical liability orders anymore as there is no legal or business requirement to do so." A CMS administrative template is not a court order within s.33 CSA 1991.

GROUND 4: No Secretary of State Memorandum as Informant — SOURCED

Section 33(1) CSA 1991 requires the Secretary of State to make the application. Section 33 MCA 1980 requires the complaint to be entered in the court's register with the complainant named. The Libra extract names "CMS Child Maintenance Service" not "Secretary of State." No Memorandum of Entry signed by or on behalf of the Secretary of State as informant has been produced or identified in response to formal demand. This is a jurisdictional defect going to the root of the proceedings.

GROUND 5: Section 33(3) satisfaction test not met — SOURCED

Section 33(3) CSA 1991 requires the court to be "satisfied" that payments are due and unpaid. At the [DATE] bulk hearing, orders were made on the bare oral assertions of CMS presenting officers with no individual documentary evidence produced or examined. The statutory precondition was not met for any of the cases determined at that hearing.

EVIDENCE RELIED UPON

146. DWP Central FOI Team — FOI2026/50177 — 25 June 2026 (page 7: "This is the only document that constitutes the order")
147. Government Legal Department — Z2500859 paragraph 8 (CMS served the summons — judicial admission in AC-2025-LON-001412)
148. Certified Libra extract for the Applicant's case — showing informant as CMS, no named JP, Defendant Present: NO
149. HMCTS written confirmation that no court-issued summons and no signed LO is held on the court file
150. Lancaster County Court — DJ McAteer — 8 June 2026 — Charging Order REJECTED on equivalent LO instrument
151. Witness statement of [YOUR NAME] dated [DATE]

Signed: _______________ — [FULL NAME] — Date: _______________

TEMPLATE C — DEMAND FOR MEMORANDUM OF ENTRY SIGNED BY SECRETARY OF STATE

FORMAL DEMAND: MEMORANDUM OF ENTRY UNDER S.33 MAGISTRATES' COURTS ACT 1980

DEMAND FOR PRODUCTION OF SIGNED MEMORANDUM BY SECRETARY OF STATE AS INFORMANT — STATEMENT OF TRUTH REQUIRED

Date: [DATE]

To: (1) Child Maintenance Service, DWP, Mail Handling Site A, Wolverhampton WV98 1LU

And: (2) Government Legal Department, 102 Petty France, London SW1H 9GL (FAO Ryan Jummun / GLD Ref Z2500859)

And: (3) [COURT NAME] Magistrates' Court, [ADDRESS]

FORMAL NOTICE: This is a demand for production of documents. Any response must be verified by a statement of truth under CPR r.22.1. A false statement of truth is contempt of court under CPR r.32.14.

1. THE LEGAL REQUIREMENT

Section 33(1) of the Child Support Act 1991 provides that "the Secretary of State may apply to a magistrates' court for an order." The application must be made by the Secretary of State — not by the Child Maintenance Service acting as an autonomous body. This is a statutory requirement in primary legislation that cannot be displaced by administrative arrangement.

Rule 66 of the Magistrates' Courts Rules 1981 requires that every adjudication be recorded in the court register. Rule 66 of the Magistrates' Courts Rules 1981 requires every adjudication to be recorded. The combined effect is that: (a) the Secretary of State must be the complainant; (b) that complaint must be entered on the court record; and (c) there must be a record of the adjudication.

2. WHAT IS DEMANDED

152. The Memorandum of Entry, signed complaint, or complaint record for the liability order proceedings against [YOUR NAME], case reference [REFERENCE], listing date [DATE], showing the Secretary of State as the named informant/complainant.
153. The name of the justice of the peace or authorised court officer who individually considered and authorised the issue of the summons in this case, and the court record entry confirming that authorisation.
154. The certified extract from the court register (Libra) for the liability order hearing in this case, including: the full case entry; the name of the judicial officer making the order; the evidence recorded as having been considered; the defendant's attendance record; and any notes recorded.
155. Written confirmation of whether the Secretary of State, acting personally or through a designated officer, made the complaint that initiated these proceedings — or whether the complaint was made by the Child Maintenance Service acting under its own authority.

3. WHY THIS IS REQUIRED

The Government Legal Department confirmed at paragraph 8 of Z2500859 that the Child Maintenance Service served the summons. The Libra extract for this case identifies the informant as "CMS Child Maintenance Service." No document identifying the Secretary of State as the complainant or informant has been produced.

DWP confirmed in FOI2026/50177 (25 June 2026, page 10) that no legal advice was obtained on whether CMS is authorised to issue summonses. The absence of legal advice on this question, combined with the Libra extract identifying CMS not the Secretary of State as informant, raises a serious question of statutory compliance that can only be resolved by production of the documents demanded.

4. CONSEQUENCE OF NON-PRODUCTION

If the documents demanded cannot be produced within 14 days, I will treat your non-production as confirmation that: (a) no complaint was made by the Secretary of State as required by s.33(1) CSA 1991; (b) the court had no valid complaint before it; (c) the proceedings and any order made are a nullity; and (d) all enforcement based on that order is without lawful authority. I will file the N244 court application enclosed in this letter and apply for interim injunctive relief.

Signed: _______________ — [FULL NAME] — Date: _______________

ALL THREE TEMPLATES ARE RESEARCH FRAMEWORKS ONLY — NOT LEGAL ADVICE. Seek qualified legal advice before serving any document. These templates are based on the statutory and evidential analysis in this document but every case is different and these documents must be adapted to individual circumstances.