

These notes refer to the Child Maintenance Act (Northern Ireland) 2008 (c.10) which received Royal Assent on 2 July 2008

Child Maintenance Act (Northern Ireland) 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – Child Support etc.

Miscellaneous

Section 30: Disclosure of information relating to family proceedings

Section 30 inserts new *Articles 45B* and *45C* into the Child Support (Northern Ireland) Order 1991. New *Article 45B* facilitates disclosure of information relating to certain family proceedings which is likely to be relevant to child maintenance functions, in particular the calculation, collection and enforcement of child maintenance by the Department. It enables such disclosure to the Department by the parties to those proceedings, without the risk of those parties being found in contempt of court.

Paragraph (2) defines a party to court proceedings, for the purposes of *Article 45B*, as a parent with care or a non-resident parent in relation to a child. Child maintenance must be payable, or an application for maintenance must have been made, and the party concerned must consider that the information which is proposed to be disclosed to the Department is relevant to its functions relating to child support.

Paragraph (3) includes a representative as a party to the proceedings, and *paragraph (4)* goes on to define a representative as either a barrister or solicitor instructed to act for the party, or such other person as may be prescribed by regulations.

Paragraph (5) allows the court to disapply the *Article* if it so directs. This provision allows the court a final say on whether matters may be disclosed to the Department, but it must have good reason to refuse to allow such disclosure.

Article 45C defines “family proceedings” for the purpose of *Article 45B*. Any of the following proceedings commenced after the coming into operation of the *Article* shall fall under the definition of family proceedings:

- proceedings for ancillary relief

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- proceedings under section 17 of the Married Woman's Property Act 1882
- proceedings under either Article 29 or 37 of the Matrimonial Causes (Northern Ireland) Order 1978
- proceedings under the Domestic Proceedings (Northern Ireland) Order 1980
- proceedings under Part 4 of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989
- proceedings under Articles 11 to 19 of the Family Homes and Domestic Violence (Northern Ireland) Order 1998, and
- proceedings under certain provisions of the Civil Partnership Act 2004.

Paragraph (2) further develops the definition of “ancillary relief” as set out in Article 45C(1)(a).

Paragraphs (3) and (4) allow the Department, with the permission of the Lord Chancellor, to make an amending order to update the definition of “family proceedings” at a future time. However, such an order cannot be made to include proceedings which have commenced before the day on which Article 45B comes into operation.

Paragraph (5) provides certain definitions of provisions which are referred to in Article 45C.