

1992 No. 1812

FAMILY LAW

CHILD SUPPORT

**The Child Support (Information, Evidence and
Disclosure) Regulations 1992**

Made - - - - - 20th July 1992

Coming into force - - 5th April 1993

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Whereas a draft of this instrument was laid before Parliament in accordance with section 52(2) of the Child Support Act 1991(a) and approved by a resolution of each House of Parliament.

(a) 1991 c. 48

Reg. 1

Now, therefore, the Secretary of State for Social Security, in exercise of the powers conferred by sections 4(4), 6(9), 7(5), 14(1) and (3), 50(5), 51, 54 and 57 of, and paragraphs 16(10) of Schedule 1 to and 2(4) of Schedule 2 to, the Child Support Act 1991(a), and of all other powers enabling him in that behalf hereby makes the following Regulations:

PART I GENERAL

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Support (Information, Evidence and Disclosure) Regulations 1992 and shall come into force on 5th April 1993.

(2) In these Regulations, unless the context otherwise requires—

“the Act” means the Child Support Act 1991;

“appropriate authority” means—

(a) in relation to housing benefit, the housing or local authority concerned; and

(b) in relation to council tax benefit, the billing authority or, in Scotland, the levying authority;

▶¹“deposit-taker” means a person who, in the course of a business, may lawfully accept deposits in the United Kingdom; ◀

▶²“local authority” means, in relation to England, a county council, a district council a London borough council, the Common Council of the City of London or the Council of the Isle of Scilly and, in relation to Wales, a county council or a county borough council and, in relation to Scotland, a council constituted under section 2 of the Local Government etc (Scotland) Act 1994 (b);

“Maintenance Calculations and Special Cases Regulations” means the Child Support (Maintenance Calculations and Special Cases) Regulations 2000(c);

“Maintenance Calculations Procedure Regulations” means the Child Support (Maintenance Calculation Procedure) Regulations 2000(d), ◀

For cases where the savings provisions in reg. 10 of S.I. 2001/161 apply, defns. of “local authority”, “Maintenance Assessment and Special Cases Regulations”, and “Maintenance Assessment Procedure Regulations” are reported below.

“local authority” means, in relation to England and Wales, the council of a county, a metropolitan district, a London Borough or the Common Council of the City of London and, in relation to Scotland, a regional council or an islands council;

“Maintenance Assessments and Special Cases Regulations” means the Child Support (Maintenance Assessments and Special Cases) Regulations 1992(e);

“Maintenance Assessment Procedure Regulations” means the Child Support (Maintenance Assessment Procedure) Regulations 1992(f);

“parent with care” means a person who, in respect of the same child or children, is both a parent and a person with care;

“related proceedings” means proceedings in which a relevant court order was or is being sought;

“relevant court order” means—

(a) an order as to periodical or capital provision or as to variation of property rights made under an enactment specified in paragraphs (a) to (e) of section 8(11) of the Act or prescribed under section 8(11)(f) of the Act in relation to a qualifying child or a relevant person; or

¹Defn. of “deposit-taker” inserted by reg. 2(2) of S.I. 2008/536 as from 6.4.08.

²Defns. “Maintenance Calculations and Special Cases Regulations”

“Maintenance Calculations Procedure Regulations” inserted by reg. 3(1) and 5(1) of S.I. 2001/161, subject to savings provision in reg. 10 of that S.I. See reg. 1 of S.I. 2001/161 for relevant effective date.

(a) Section 54 is cited because of the meaning ascribed to the word “prescribed”.

(b) 1994 c. 39.

(c) S.I. 2001/155.

(d) S.I. 2001/157.

(e) S.I. 1992/1815.

(f) S.I. 1992/1813.

- (b) an order under Part II of the Children Act 1989(a) (Orders With Respect to Children In Family Proceedings) in relation to a qualifying child or, in Scotland, an order under section 3 of the Law Reform (Parent and Child) (Scotland) Act 1986(b) or a decree of declarator under section 7 of that Act in relation to a qualifying child;

“relevant person” means—

- (a) a person with care;
 (b) a ►¹non-resident parent◄;
 (c) a parent who is treated as a ►¹non-resident parent◄ under ►²regulation 8 of the Maintenance Calculations and Special Cases Regulation◄;
 (d) where the application for a ►²calculation◄ is made by a child under section 7 of the Act, that child,

in respect of whom [►²a maintenance calculation has been applied for, or has been treated as applied for under section 6(3) of the Act, or is or has been in force.◄] a maintenance ►²calculation◄ has been applied for or is or has been in force.

(3) In these Regulations, unless the context otherwise requires, a reference—

- (a) to a numbered regulation is to the regulation in these Regulations bearing that number;
 (b) in a regulation to a numbered paragraph is to the paragraph in that regulation bearing that number;
 (c) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

►³“taxable profits” means profits calculated in accordance with Part 2 of the Income Tax (Trading and Other Income) Act 2005(c).◄

¹“Non-resident parent” substituted for “absent parent” in defn. of “relevant person” by reg. 2(1) of S.I. 2001/161, subject to savings provision in reg. 10 of that S.I. See reg. 1 of S.I. 2001/161 for relevant effective date.

²Words substituted deleted and added in reg. 1(2), 2(2)(b) by reg. 2, 3(2) and 5 of S.I. 2001/161, subject to savings provision in reg. 10 of that S.I. See reg. 1 of S.I. 2001/161 for relevant effective date.

³Defn. of “taxable profits” inserted by reg. 3(2) of S.I. 2007/1979 as from 1.8.07.

PART II

FURNISHING OF INFORMATION OR EVIDENCE

Persons under a duty to furnish information or evidence

2.—►⁴(1) A person falling within a category listed in paragraph (2) shall furnish such information or evidence—

- (a) with respect to the matter or matters specified in that paragraph in relation to that category; and
 (b) which is in his possession or which he can reasonably be expected to acquire,

as is required by the Secretary of State ►⁵and is needed for any of the purposes specified in regulation 3(1)◄.

►⁵(1A) In such cases as the Secretary of State may determine, a person falling within a category listed in paragraph (2) shall furnish such information or evidence as the Secretary of State may determine which is information or evidence—

- (a) with respect to the matter or matters specified in that paragraph in relation to that category;
 (b) needed by the Secretary of State for the purpose specified in regulation 3(1A); and
 (c) in that person’s possession or which that person can reasonably be expected to acquire◄

(2) The person who may be required to furnish information or evidence, and the matter or matters with respect to which such information or evidence may be required, are as follows—

- (a) the relevant persons, with respect to the matters listed in regulation 3(1);
 ►⁶(aa) where regulation 8(1) of the Maintenance Calculations and Special Cases Regulations applies (persons treated as non-resident parents), a parent of or a person who provided day to day care for the child in respect of whom a maintenance calculation has been applied for or has been treated as applied

⁴Reg. 2(1) substituted by art. 6 of S.I. 1999/1510 as from 1.6.99.

⁵Words in reg. 2(1)(b) & 2(1A) substituted by reg. 2(2) of S.I. 2003/3206 as from 7.1.04.

⁶Sub-para. (aa) inserted in reg. 2(2) of S.I. 2002/1204 as from the prescribed date in reg. 1(3)(b) of that S.I.

(a) 1989 c. 41.

(b) 1986 c. 9.

(c) 2005 c. 5. This brings the definition of “taxable profits” for child support purposes into line with the definition for income tax purposes. Capital allowances will be deducted from, and balancing charges applied to, gross profits from self-employment to determine a self-employed person’s earnings.

¹Words substituted in reg. 2(2)(b) by reg. 7(3) of S.I. 1995/3261 as from 22.1.96.

²Words substituted deleted and added in regs. 2(2)(b), (c), (cc), (d), (e) and regs.

2(2)(f)-(h) added by regs. 2-5 of S.I. 2001/161, subject to savings provision in reg. 10 of that S.I. See reg. 1 of S.I. 2001/161 for relevant effective date.

³Para. (2)(ba) inserted into reg. 2 by reg. 2 of S.I. 1995/123 as from 16.2.95.

⁴Words inserted into reg. 2(2)(c) by reg. 7(4) of S.I. 1995/3261 as from 22.1.96.

⁵Words deleted in reg. 2(2)(c) by art. 6(b)(ii) of S.I. 1999/1510 as from 1.6.99.

⁶Sub-paras. (cc) and (cd) inserted into reg. 2(2) by reg. 22 of S.I. 1995/1045 as from 18.4.95.

⁷Words inserted in reg. 2(2)(cc) by reg. 7(4) of S.I. 1995/3261 as from 22.1.96.

⁸Words deleted from reg. 2(2)(cc) by art. 6(b)(ii) of S.I. 1999/1510 as from 1.6.99.

⁹Words inserted in reg. 2(2)(e) by reg. 7(3) of S.I. 1996/1945 as from 5.8.96.

¹⁰Words omitted in reg. 2(2)(g), added to 2(2)(h) and 2(2)(i) inserted by reg. 2(2)(a)-(c) of S.I. 2006/1520 as from 12.7.06.

¹¹Words substituted and omitted in reg. 2(2)(h) (i) & (ii) by reg. 2(3)(a) & (b) of S.I. 2008/536 as from 6.4.08.

¹²Words inserted in reg. 2(2)(h) by reg. 4(b) of S.I. 2002/1204 as from 30.4.02.

for or is or has been in force, with respect to the matter listed in sub-paragraph (1) of regulation 3(1);⁴

- (b) a person who is alleged to be a parent of a child with respect to whom an application for a maintenance ¹calculation has been made, or in relation to whom a maintenance ²calculation has been made, or has been treated as made, ³and that person denies that he is one of the child's parents, with respect to the matters listed in sub-paragraphs (b) and (d) of regulation 3(1);
- ³(ba) the current or recent employer of a person falling within sub-paragraph (b), with respect to the matters listed in sub-paragraphs (d) and (e) of regulation 3(1);⁴
- (c) the current or recent employer of the ²non-resident parent ² in relation to whom an application for a maintenance ²calculation has been made ⁴or in relation to whom a maintenance ²calculation has been made, or has been treated as made, ⁵with respect to the matters listed in sub-paragraphs (d), (e), (f), (h) ², (hh) and (j) of regulation 3(1);
- ⁶(cc) persons employed in the service of the Crown or otherwise in the discharge of Crown functions, where they are the current or recent employer of the ³non-resident parent ² in relation to whom an application for a maintenance ²calculation has been made ⁷or in relation to whom a maintenance ²calculation has been made, or has been treated as made, ⁸with respect to the matters listed in sub-paragraphs (d), (e), (f), (h) ², (hh) and (j) of regulation 3(1);
- (cd) persons employed in the service of the Crown or otherwise in the discharge of Crown functions, where they are the current or recent employer of a person falling within sub-paragraph (b), with respect to the matters listed in sub-paragraphs (d) and (e) of regulation 3(1);⁴
- (d) the local authority in whose area a person falling within a category listed in sub-paragraphs (a) and (b) above resides or has resided, with respect to the ²matters listed in sub-paragraph (a) ², (d), (e), (f) (h) and (hh) of regulation 3(1);
- (e) a person qualified in paragraph (3) below, in any case where, in relation to the qualifying child or qualifying children or the ²non-resident parent—
- (i) there is or has been a relevant court order; or
- (ii) there have been, or are pending, relating proceedings before a court, with respect to the matters listed in sub-paragraphs ⁹(aa), (ab), (g), (h) and (k) of regulation 3(1).
- ²(f) a person who acts or has acted as an accountant for the absent parent, including where that person is self-employed, in relation to any business accounts of that parent with respect to matters listed in sub-paragraphs (e), (f), (h) and (hh) of regulation 3(1);
- (g) a company or partnership for whom the absent parent is providing or has provided services under a contract for services with respect to the matters listed in sub-paragraphs (e) and (f) of regulation 3(1); ¹⁰
- (h) persons employed in the services of the Crown or otherwise in the discharge of Crown functions—
- (i) under ¹⁰the Road Traffic (Northern Ireland) Order 1981(a), sections 97 to 99A of the Road Traffic Act 1988(b) or Part II of the Vehicle Excise and Regulations Act 1994(c) with respect to the matter listed in sub-paragraph ¹¹(d), (e) and (o) of regulation 3(1); or
- (ii) under the Prison Act 1952(d) ¹², the Prison Act (Northern Ireland) 1953 (e) or the Prisons (Scotland) Act 1989(f) with respect to the matter listed in sub-paragraph (e) of regulation 3(1).¹⁰¹²

(a) S.I. 1981/154 (N.I.1)

(b) 1988 c. 52. Sections 97 to 99A were amended by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22), the Road Traffic Act 1991 (c. 40), the Driving License (Community Driving Licence) Regulations 1990 S.I. 1990/144, the Driving License (Community Driving Licence) Regulations 1996 S.I. 1996/1974 and the Driving License (Community Driving Licence) Regulations 1998 S.I. 1998/1420.

(c) 1994 c. 22. Part II was amended by the Finance Act 1995 (c. 4), the Finance Act 1996 (c. 8), the Finance Act 1997 (c. 16), the Finance (No. 2) Act 1997 (c. 58) and the Finance Act 1998 (c. 36).

(d) 1952 c. 52

(e) 1953 c. 18.

(f) 1989 c. 45.

- (i) a credit reference agency within the meaning given by section 145(8) of the Consumer Credit Act 1974(a) with respect to the matters listed in sub-paragraphs (d), (e), (m) ▶¹, (n) and (o)◀ of regulations 3(1).◀
- ▶¹(j) a deposit-taker with respect to the matters listed in sub-paragraphs (d), (e), (f) and (o) of regulation 3(1).◀

¹Words substituted in reg. 2(2)(i) & para. (j) added by reg. 2(3)(c) & (d) of S.I. 2008/536 as from 6.4.08.

(3) The persons who may be required to furnish information or evidence in relation to a relevant court order or related proceedings under the provisions of paragraph (2)(e) are—

- (a) in England and Wales—
 - (i) in relation to the High Court, the senior district judge of the principal registry of the Family Division or, where proceedings were instituted in a district registry, the district judge;
 - (ii) in relation to a county court, the proper officer of that court within the meaning of Order 1, Rule 3 of the County Court Rules 1981(b);
 - (iii) in relation to a magistrates' court, the ▶²designated officer◀ for that court;
- (b) in Scotland—
 - (i) in relation to the Court of Session, the Deputy Principal Clerk of Session;
 - (ii) in relation to a sheriff court, the sheriff clerk.

²Words substituted in reg. 2(3)(a)(iii) by art. 155 of S.I. 2005/617 as from 1.4.05.

Rule 10.21A of the Family Proceedings Rules 1991 (S.I. 1991/1247, as amended by S.I. 1993/295) provides that, in relation to court proceedings, nothing in rules 4.23 (confidentiality of documents), 10.20 (inspection etc. of documents in court) or 10.21 (disclosure of addresses) shall prevent a person mentioned in reg. 2(2) or reg. 2(3)(a) above who has been requested to furnish information or evidence for a purpose mentioned in reg. 3(1) below shall prevent that person from furnishing the information or evidence sought, or require that person to seek leave of the court before doing so.

Purposes for which information or evidence may be required

3.—(1) The Secretary of State ▶³◀ may require information or evidence under the provisions of regulation 2 only if that information or evidence is needed to enable—

- (a) a decision to be made as to whether, in relation to an application for a maintenance ▶⁴calculation◀, there exists a qualifying child, a ▶⁴non-resident parent◀ and a person with care;
- ▶⁵(aa) a decision to be made as to whether there is in force a written maintenance agreement made before 5th April 1993, or a maintenance order ▶⁴made on or after the date prescribed for the purposes of section 4(10)(a) of the Act(c) which has been in force for at least a year from the date it was made◀, in relation to a qualifying child and the person who as at that time the ▶⁴non-resident parent◀ of that child;
- (ab) a decision to be made as to whether a person with care has parental responsibility for a qualifying child for the purposes of section 5(1) of the Act:◀
- (b) a decision to be made as to whether ▶⁶the Secretary of State◀ has jurisdiction to make a maintenance ▶⁴calculation◀ under section 44 of the Act;
- (c) a decision to be made, where more than one application has been made, as to which application is to be proceeded with;
- (d) an ▶⁴non-resident parent◀ to be identified;
- (e) an ▶⁴non-resident parent◀ to be traced;
- (f) the amount of child support maintenance payable by an ▶⁴non-resident parent◀ to be ▶⁴calculated◀;
- (g) the amount payable under a relevant court order to be ascertained;
- (h) the amounts specified in sub-paragraphs (f) and (g) to be recovered from an ▶⁴non-resident parent◀;
- ▶⁷(hh) a decision to be made as to whether to take account under section 35(1) or 38(1) of the Act or to apply under section 36(1) of the Act for an order for recovery by means of garnishee proceedings or a charging order:◀

³Words deleted in reg. 3(1) by art. 7 of S.I. 1999/1510 as from 1.6.99.

⁴Words substituted in reg. 3(1) by regs. 2, 4 & 5 of S.I. 2001/161, subject to savings provisions in reg. 10 of that S.I. See reg. 1 of S.I. 2001/161 for relevant effective dates.

⁵Sub-paras. (aa) and (ab) inserted in reg. 3(1) by reg. 8(2) of S.I. 1996/1945 as from 5.8.96.

⁶Words substituted in sub-para. (b) by art. 7 of S.I. 1999/1510 as from 1.6.99.

⁷Sub-para. (hh) inserted in reg. 3(1) by reg. 8(3) of S.I. 1996/1945 as from 5.8.96.

(a) 1974 c. 39.

(b) S.I. 1981/1687, to which there are amendments not relevant to these Regulations.

(c) 1992 c. 4.

Reg. 3

¹Words substituted in reg. 3(1) by regs. 2, 4 & 5 of S.I. 2001/161, subject to savings provisions in reg. 10 of that S.I. See reg. 1 of S.I. 2001/161 for relevant effective dates.

²Words substituted in reg. 3(1)(l) by reg. 6 of S.I. 2001/161 subject to savings provisions in reg. 10 of that S.I. See reg. 1 of S.I. 2001/161 for relevant effective date.

³Sub-para. (m) & (n) inserted in reg. 3(1) by reg. 2(3) of S.I. 2006/1520 as from 12.7.06.

⁴Sub-para. (o) inserted in reg. 3(1) by reg. 3(4) of S.I. 2008/536 as from 6.4.08.

⁵Para (1A) inserted by reg. 2(3) of S.I. 2003/3206 as from 7.1.04.

⁶Words substituted in reg. 3(2)(a), (b) and (e) by reg. 2 & 6(2)(a) of S.I. 2001/161, subject to savings provisions in reg. 10 of that S.I. See reg. 1 of S.I. 2001/161 for relevant effective date.

⁷Words inserted in reg. 3(2)(b) & (c) by para. 1 of Sch. 4 to S.I. 2005/2877 as from 5.12.05.

⁸Word in reg. 3(2)(d) substituted by reg. 32(a) of S.I. 1998/58 as from 19.1.98.

⁹Words substituted and deleted in reg. 3(2) and sub-para. (j) omitted by reg. 2 and 6 of S.I. 2001/161 subject to savings provisions in reg. 10 of that S.I. See reg. 1 of S.I. 2001/161 for relevant effective date.

¹⁰Words added to reg. 3(2)(h) by reg. 4(2) of S.I. 1999/977 as from 4.10.99.

¹¹Words omitted in reg. 3(2)(h) by reg. 3(3)(a) & (b) of S.I. 2007/1979 as from 1.8.07.

- (i) the amount of interest payable with respect to arrears of child support maintenance to be determined;
 - (j) the amount specified in sub-paragraph (i) to be recovered from an ¹non-resident parent[◀];
 - (k) any related proceedings to be identified.
 - ▶²(l) a determination as to who is in receipt of child benefit, payable under Part IX of the Social Security Contributions and Benefits Act 1992^(a), either for a child who may be a relevant other child for the purposes of Schedule 1 to the Act, or for the qualifying child where a parent may fall to be treated as a non-resident parent under the Maintenance Calculations and Special Cases Regulations.◀
 - ▶³(m) an assessment of the financial standing of the non-resident parent;
 - (n) an amount of, or an amount treated as, overpaid child support maintenance, to be recovered in accordance with section 41B of the Act^(b) (repayment of overpaid child support maintenance) and regulations made under or by virtue of that section, from a relevant person.◀
 - ▶⁴(o) the collection and enforcement of child support maintenance payable and amounts payable under a relevant court order.◀
 - ▶⁵(1A) The Secretary of State may require information or evidence to be provided under the provisions of regulation 2(1A) only for the purpose of verifying whether information or evidence which he holds, or has held, is correct.◀
- (2) The information or evidence to be furnished in accordance with regulation 2 may in particular include information and evidence as to—
- (a) the habitual residence of the person with care, the ⁶non-resident parent◀ and any child in respect of whom ⁶the maintenance calculation has been applied for, or has been treated as applied for◀;
 - (b) the name and address of the person with care and of the ⁶non-resident parent, their marital ⁷or civil partnership◀ status, and the relationship of the person with care to any child in respect of whom ⁶the maintenance calculation has been applied for, or has been treated as applied for◀;
 - (c) the name, address and date of birth of any such child, that child's marital ⁷or civil partnership◀ status, and any education that child is undergoing;
 - (d) the persons who have parental responsibility for (⁸and◀, in Scotland, parental rights over) any qualifying child where there is more than one person with care;
 - (e) the time spent by a qualifying child in respect of whom ⁶the maintenance calculation has been applied for, or has been treated as applied for,◀ with each person with care, where there is more than one such person;
 - (f) the matters relevant for determining, in a case falling within section 26 of the Act (disputes about parentage), whether that case falls within one of the Cases set out in subsection (2) of that section, and if it does not, the matters relevant for determining the parentage of a child whose parentage is in dispute;
 - (g) the name and address of any current or recent employer of a ⁹non-resident parent◀ ⁹◀, and the gross earnings and the deductions from those earnings deriving from each employment;
 - (h) the address from which an ⁹non-resident parent◀ ⁹◀ who is self-employed carries on his trade or business, the trading name, ¹⁰the ¹¹◀ taxable profits derived from his employment as a self-employed earner, ¹¹◀◀ and the gross receipts and expenses and other outgoings of the trade or business;
 - (i) any other income of an ⁹non-resident parent◀;
 - ▶⁹◀
 - (k) amounts payable and paid under a relevant court order or a maintenance agreement;
 - (l) the persons living in the same household as the ⁹non-resident parent◀ ⁹◀, their relationship to the ⁹non-resident parent◀ or the parent with care, as

(a) 1992 c. 4.

(b) Section 41B was inserted by section 23 of the Child Support Act 1995 (c. 34).

the case may be, and to each other, and, in the case of the children of any such party, the dates of birth of those children;

▶¹◀

- (q) the identifying details of any bank, building society or similar account held in the name of the ▶¹non-resident parent◀▶¹◀, and statements relating to any such account;
- (r) the matters relevant for determining whether—
 - (i) a maintenance ▶¹calculation◀ has ceased to have effect ▶²◀ under the provisions of paragraph 16 of Schedule 1 to the Act;
 - (ii) a person is a child within the meaning of section 55 of the Act;

▶¹◀

¹Words substituted & deleted in reg. 3(2) & 6 sub-paras. (m) - (p) & (s) omitted by reg. 2 and 6 of S.I. 2001/161 subject to savings provisions in reg. 10 of that S.I. See reg. 1 of S.I. 2001/161 for relevant effective date. ²Reg. 3A substituted by art. 8 of S.I. 1999/1510 as from 1.6.99.

Contents of request for information or evidence

▶²3A. Any request by the Secretary of State in accordance with regulations 2 and 3 for the provision of information or evidence shall set out the possible consequences of failure to provide such information or evidence ▶³including details of the offences provided for in section 14A of the Act(a) for failing to provide, or providing false, information◀.

4. ▶⁴◀

▶⁵Time within which information or evidence is to be furnished

5.—(1) Subject to ▶⁴◀ the provisions of ▶⁴regulation 3(4) of the Maintenance Calculation Procedure Regulations◀, information or evidence furnished in accordance with regulations 2 and 3 shall be furnished as soon as is reasonably practicable in the particular circumstances of the case.◀

▶⁴◀

Continuing duty of persons with care

6. Where a person with care with respect to whom a maintenance ▶¹calculation◀ has been made believes that, by virtue of section 44 or 55 of, or paragraph 16 of Schedule 1 to, the Act, the ▶¹calculation◀ has ceased to have effect ▶⁴◀, she shall, as soon as is reasonably practicable, inform the Secretary of State of that belief, and of the reasons for it, and shall provide such other information as the Secretary of State may reasonably require, with a view to assisting the Secretary of State ▶⁶◀ in determining whether the ▶¹calculation◀ has ceased to have effect, ▶⁴◀.

Powers of inspectors in relation to Crown residences

7. Subject to Her Majesty not being in residence, an inspector appointed under section 15 of the Act may enter any Crown premises for the purpose of exercising any powers conferred on him by that section.

³Words inserted in reg. 3A by reg. 6(3) of S.I. 2001/161. See reg. 1 of S.I. 2001/161 for relevant date.

⁴Reg. 4 omitted and words substituted and omitted in regs. 5 and 6 by reg. 2 and 3 of S.I. 2001/161, subject to savings in reg. 10 of that S.I. See reg. 1 of S.I. 2001/161 for relevant effective date. ⁵Reg. 5 substituted by reg. 10 of S.I. 1995/3261 as from 22.1.96.

⁶Words deleted from reg. 6 by art. 10 of S.I. 1999/1510 as from 1.6.99.

(a) Section 14A is inserted into the Act by section 13 of the Child Support, Pensions and Social Security Act 2000.

Reg. 8

PART III
DISCLOSURE OF INFORMATION**Disclosure of information to a court or tribunal**

¹Reg. 8 renumbered reg. 8(1) by reg. 63 of S.I. 1996/2907 as from 2.12.96.

²Words deleted and substituted in reg. 8 by reg. 11(a)(i) & (ii) of S.I. 1999/1510 as from 1.6.99.

³Sub-para (cc) inserted in reg. 8(1) by reg. 3 of S.I. 2004/2415 as from 16.9.04. See reg. 1(2)(b) *ibid* at page 8911 for exceptions to this.

⁴Sub-para (c) deleted by art. 11(a)(iii) of S.I. 1999/1510 as from 29.11.99.

⁵Words in reg. 8(1) substituted by reg. 33(2) of S.I. 1998/58 as from 19.1.98.

⁶Reg. 8(2) inserted by reg. 63 of S.I. 1996/2907 as from 2.12.96.

⁷Words substituted in reg. 8(2) by art. 11(b) of S.I. 1999/1510 as from 1.6.99.

8. ▶¹(1)◀ The Secretary of State ▶²◀ may disclose any information held by ▶²him◀ for the purposes of the Act to—

- (a) a court;
- (b) any tribunal or other body or person mentioned in the Act;
- ▶³(cc) a person with a right of appeal under the Act to an appeal tribunal,◀

▶⁴◀

where such disclosure is made for the purposes of any proceedings before any of those bodies relating to this Act ▶⁵, to the benefit Acts or to the Jobseekers Act 1995(▶⁶a)◀

▶⁶(2) For the purposes of this regulation “proceedings” includes the determination of an application referred to ▶⁷an◀ appeal tribunal under section 28D(1)(b) of the Act.◀

(a) 1995 c. 18.

►(3) The Secretary of State ►◄ may disclose information held by ►him◄ for the purposes of the Act to a court in any case where—

- (a) that court has exercised any power it has to make, vary or revive a maintenance order or to vary a maintenance agreement; and
- (b) such disclosure is made for the purposes of any proceedings before that court in relation to that maintenance order or that maintenance agreement or for the purposes of any matters arising out of those proceedings.◄

Reg. 8(3) inserted by reg. 33(3) of S.I. 1998/58 as from 19.1.98. Words deleted and substituted in reg. 8(3) by art. 11(c) of S.I. 1999/1510 as from 1.6.99.

Disclosure of information to an appropriate authority for use in the exercise of housing benefit or council tax benefit functions

9. ►◄

►Disclosure of information to other persons

9A.—(1) The Secretary of State ►◄ may disclose information ►held by him for the purposes of the Act relating to◄ one party to a maintenance ►calculation◄ to another party to that ►calculation◄ where, in the opinion of the Secretary of State ►◄ such information is essential to inform the party to whom it would be given as to—

- (a) ►why he has decided not to make a maintenance calculation in response to an application made under section 4, or 7 of the Act or treated as made under section 6 of the Act◄, or an application for a ►revision under section 16 of the Act or a decision under section 17 of the Act superseding an earlier decision◄ has been rejected;
- (b) why, although an application for a maintenance ►calculation◄ referred to in sub-paragraph (a) has been accepted, that ►calculation◄ cannot, at the time in question, be proceeded with or why a maintenance ►calculation◄ will not be made following that application;
- (c) why a maintenance ►calculation◄ has ceased to have effect ►◄◄◄;
- (d) how a maintenance ►calculation◄ has been calculated, in so far as the matter has not been dealt with by the notification given under ►regulation 23 of the Maintenance Calculation Procedure Regulations◄
- (e) why a decision has been made not to arrange for, or to cease, collection of any child support maintenance under section 29 of the Act;
- (f) why a particular method of enforcement, under section 31, 33, 35, 36, 38 or 40 of the Act of an amount due under a maintenance ►calculation◄ has been adopted in a particular case; or
- (g) why a decision has been made not to enforce, or to cease to enforce, under section 31 or 33 of the Act the amount due under a maintenance ►calculation◄.◄

(2) For the purposes of this regulation, “party to a maintenance ►calculation◄” means—

- (a) a relevant person;
- (b) a person appointed by the Secretary of State under regulation ►34 of the Social Security and Child Support (Decisions and Appeals) Regulations 1999(a)◄;
- (c) the personal representative of a relevant person where—
 - (i) a ►revision, supersession◄ or appeal was pending at the date of death of that person and the personal representative is dealing with that ►revision, supersession◄ or appeal on behalf of that person; or
 - (ii) an application for a ►variation◄ direction has been made but not determined at the date of death of that person and the personal representative is dealing ►on behalf of that person with any matters arising

Reg. 9 revoked by reg. 4(3) of S.I. 1999/977 as from 6.4.99.
Reg. 9A inserted by reg. 214 of S.I. 1995/1045 as from 18.4.95.
(a) Words deleted in reg. 9A(1) and substituted in reg. 9A(1)(a) by art. 12 of S.I. 1999/1510 as from 1.6.99.
Words in reg. 9A(1) substituted by reg. 4(4) of S.I. 1999/977 as from 6.4.99.
See note (a) above.
(b) Words substituted in reg. 9A(1) and (2) by reg. 2, 3 and 7 of S.I. 2001/161, subject to savings provisions in reg. 10 or that S.I. See reg. 1 of S.I. 2001/161 for relevant effective date.
See note (a) above.
See note (b) above.
Word “or” deleted from end of reg. 9A(1)(c) by reg. 11(2) of S.I. 1995/3261 as from 22.1.96.
See note (b) above.
Sub-paras. (e) to (g) added to reg. 9A(1) by reg. 11(3) of S.I. 1995/3261 as from 22.1.96.
See note (b) above.

Words substituted in reg. 9A(2)(b) by art. 12(c)(i) of S.I. 1999/1510 as from 1.6.99.
Reg. 9A(2)(c) substituted by reg. 64 of S.I. 1996/2907 as from 2.12.96.
Words substituted in reg. 9A(2)(c)(i) by art. 12(c) of S.I. 1999/1510 as from 1.6.99.
See note (b) above.
Words in reg. 9A 2(c)(ii) substituted by reg. 34 of S.I. 1998/58 as from 19.1.98.

(a) S.I. 1999/991.

Regs. 9A-11

in connection with the determination of that application.◀◀

Words deleted in reg.
9A(3) & (4) by art.
12(a) of S.I. 1999/1510
as from 1.6.99.

(3) Any application for information under this regulation shall be made to the Secretary of State ▶◀ in writing setting out the reasons for the application.

(4) Except where a person gives written permission to the Secretary of State or ▶◀ that the information in relation to him mentioned in subparagraphs (a) and (b) below may be conveyed to other persons, any information given under the provisions of paragraph (1) shall not contain—

Words substituted in reg.
9A(4)(a) by art. 12(d)
of S.I. 1999/1510 as
from 1.6.99.

(a) the address of any person other than the recipient of the information in question (other than the address of the office of ▶the officer concerned who is exercising functions of the Secretary of State under the Act◀) or any other information the use of which could reasonably be expected to lead to any such person being located;

(b) any other information the use of which could reasonably be expected to lead to any person, other than a qualifying child or a relevant person, being identified.◀

Regs. 10 and 10A deleted
by art. 13 of S.I. 1999/
1510 as from 1.6.99.

▶◀

Employment to which section 50 of the Act applies

11. For the purposes of section 50 of the Act (unauthorised disclosure of information) the following kinds of employment are prescribed in addition to those specified in paragraphs (a) to (e) of section 50(5)—

- (a) the Comptroller and Auditor General;
- (b) the Parliamentary Commissioner for Administration;
- (c) the Health Service Commissioner for England;
- (d) the Health Service Commissioner for Wales;
- (e) the Health Service Commissioner for Scotland;
- (f) any member of the staff of the National Audit Office;
- (g) any other person who carries out administrative work of that Office, or who provides, or is employed in the provision of, services to it;
- (h) any officer of any of the Commissioners referred to in paragraphs (b) to (e) above; and
- (i) any person who provides, or is employed in the provision of, services to the Department of Social Security.

Signed by authority of the Secretary of State for Social Security.

20th July 1992

Alistair Burt
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the furnishing of information or evidence required in connection with the determination of any application under the Child Support Act 1991 (“the Act”), or questions arising in connection with such an application, or related to the collection or enforcement of child support maintenance or other maintenance under the Act. The Regulations also provide for the disclosure, by the Secretary of State or a child support officer, of information held by them for the purposes of the Act.

Regulation 1 contains interpretation provisions.

Regulation 2 prescribes the persons who are under a duty to furnish information or evidence, and regulation 3 prescribes the purposes for which information or evidence may be required.

Regulation 4 prescribes the information that can be obtained from an appropriate authority in connection with housing benefit or council tax benefit.

Regulation 5 makes provision as to time limits for furnishing information or evidence, and regulation 6 provides for a continuing duty of persons with care.

Regulation 7 provides for inspectors appointed under section 15 of the Act to enter Crown premises for the purpose of exercising powers conferred by that section.

Regulation 8 provides for the disclosure of information by the Secretary of State or a child support officer to a court or tribunal, and regulation 9 for the disclosure of information to an appropriate authority for use in the exercise of its functions relating to housing benefit or council tax benefit.

Regulation 10 provides for the disclosure of information by a child support officer to the Secretary of State in connection with the Secretary of State’s functions under the Social Security Contributions and Benefits Act 1992 and the Social Security Administration Act 1992.

Regulation 11 prescribes employments, additional to those specified in section 50 of the Act, to which the provisions of that section, relating to the unauthorised disclosure of information, apply.

