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STATUTORY INSTRUMENTS

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**2008 No. 2551**

**The Child Support Information Regulations 2008**

**PART 2**

**DUTY TO PROVIDE INFORMATION**

**Information from the applicant**

**3.—**(1) A person who has made an application for a maintenance calculation under section 4 of the 1991 Act must furnish such information as the Commission requires to enable—

- (a) the non-resident parent to be identified or traced (where that is necessary);
- (b) the amount of child support maintenance payable by the non-resident parent to be calculated; or
- (c) that amount to be recovered from the non-resident parent.

(2) A qualifying child who has made an application for a maintenance calculation under section 7 of the 1991 Act (right of a child in Scotland to apply for a calculation) must furnish such information as the Commission requires for any of the purposes, except enabling the non-resident parent to be identified, set out in paragraph (1).

**Information from other persons**

**4.—**(1) The persons listed in paragraph (2) must furnish such information or evidence as is required by the Commission and is needed—

- (a) for the determination of any application made under the 1991 Act or any question arising in connection with such an application;
- (b) for the making of any decision, or in connection with the imposition of any condition or requirement, under that Act; or
- (c) in connection with the collection or enforcement of child support or other maintenance under that Act.

(2) The persons required to furnish information or evidence are—

- (a) subject to regulation 5, the non-resident parent;
- (b) a current or previous employer of the non-resident parent;
- (c) a person for whom the non-resident parent is providing or has provided services under a contract for services;
- (d) a person who acts or has acted as an accountant for the non-resident parent;
- (e) a person, other than the applicant, who provides day to day care for a child in respect of whom an application for a maintenance calculation has been made or in respect of whom a maintenance calculation is or has been in force;

- (f) a credit reference agency within the meaning given by the Consumer Credit Act 1974(1);
  - (g) a local authority in whose area the non-resident parent or the person with care resides or has resided;
  - (h) persons employed in the service of the Crown or otherwise in the discharge of Crown functions—
    - (i) under the Road Traffic (Northern Ireland) Order 1981(2), sections 97 to 99A of the Road Traffic Act 1988 (3) or Part II of the Vehicle Excise and Registration Act 1994(4); or
    - (ii) under the Prison Act 1952(5), the Prison Act (Northern Ireland) 1953(6) or the Prisons (Scotland) Act 1989(7);
  - (i) a person who, in the course of business, may lawfully accept deposits in the United Kingdom;
  - (j) a person who, within the meaning of the Electricity Act 1989(8), distributes or supplies electricity;
  - (k) a person who is the holder of a licence under section 7 of the Gas Act 1986(9) to convey gas through pipes or the holder of a licence under section 7A(1) of that Act to supply gas through pipes.
- (3) The persons mentioned in paragraph (2) (b) and (c) include persons employed in the service of the Crown or otherwise in the discharge of Crown functions.

### Information from persons denying parentage

5. Where a person is alleged to be, but denies being, the parent of a child in respect of whom an application for a maintenance calculation has been made, unless the case falls within one of those set out in section 26(2) of the 1991 Act (disputes about parentage), the information or evidence which that person may be required to furnish is limited to what is needed for the purposes of enabling the non-resident parent to be identified or to enable a decision to be made as to whether the Commission has jurisdiction under section 44 to make a maintenance calculation.

### Information from a court

6.—(1) Where there is or has been a relevant court order, or there have been proceedings in which such an order was sought or where such proceedings are pending, the persons mentioned in paragraph (2) must furnish such information or evidence in relation to that order or those proceedings as is required by the Commission and is needed for any of the purposes mentioned in regulation 4(1).

- (2) The persons who are required to furnish information or evidence are—
  - (a) in England and Wales—

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(1) 1974 c. 39.  
 (2) S.I. 1981/154 (N.I. 1).  
 (3) 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 Licence (Community Driving Licence) Regulations 1990 S.I. 1990/144, the Driving Licence (Community Driving Licence) Regulations 1996 S.I. 1996/1974, the Driving Licence (Community Driving Licence) Regulations 1998 S.I. 1998/1420 and the Transport Act 2000 (c. 38).  
 (4) 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), the Finance Act 1998 (c. 36), the Vehicles (Crime) Act 2001 (c. 3), the Finance Act 2002 (c. 23), the Finance Act 2003 (c. 14) and the Serious Organised Crime and Police Act 2005 (c. 15).  
 (5) 1952 c. 52.  
 (6) 1953 c. 18.  
 (7) 1989 c. 45.  
 (8) 1989 c. 29.  
 (9) 1986 c. 44.

- (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 Courts Rules 1981<sup>(10)</sup>;
  - (iii) in relation to a magistrates' court, the designated 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.
- (3) In paragraph (1) “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 (ea) of section 8(11) of the 1991 Act or prescribed under section 8(11) of that Act in relation to a person who has made an application for a maintenance calculation or a qualifying child, person with care or non-resident parent in relation to such an application;
  - (b) an order under Part II of the Children Act 1989<sup>(11)</sup> (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<sup>(12)</sup> or a decree of declarator under section 7 of that Act in relation to a qualifying child.

#### **Duty of persons from whom information requested**

7.—(1) Persons required to furnish information or evidence under regulations 3 to 6 must furnish the information or evidence requested if it is in their possession or they can reasonably be expected to acquire it.

(2) The information must be furnished as soon as is reasonably practicable in the particular circumstances of the case.

(3) Paragraph (2) is subject to regulation 3(4) of the Maintenance Calculation Procedure Regulations (which provides for a time limit where additional information is requested in relation to an ineffective application).

#### **Commission to warn of consequences of failing to provide information or providing false information**

8. A request by the Commission under regulations 3 to 6 must set out the possible consequences of failure to provide the information or evidence, including details of the offences provided for in section 14A of the 1991 Act<sup>(13)</sup> for failing to provide, or providing false, information.

#### **Duty to notify change of address**

9. Persons who are liable to make payments of child support maintenance must, if they change their address, notify the Commission of their new address within 7 days of the change.

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<sup>(10)</sup> S.I. 1981/1687, to which there are amendments not relevant to these Regulations.

<sup>(11)</sup> 1989 c. 41.

<sup>(12)</sup> 1986 c. 9.

<sup>(13)</sup> Section 14A is inserted in to the Act by section 13 of the Child Support, Pensions and Social Security Act 2000.

### **Continuing duty of person with care**

**10.** Where a person with care with respect to whom a maintenance calculation has been made believes that, by virtue of section 44 or 55 of, or paragraph 16 of Schedule 1 to, the 1991 Act, the calculation has ceased to have effect, that person must, as soon as is reasonably practicable, inform the Commission of that belief, and of the reasons for it, and must provide such other information as the Commission may reasonably require, with a view to assisting the Commission in determining whether the calculation has ceased to have effect.

### **Powers of inspectors in relation to Crown premises**

**11.** Subject to Her Majesty not being in residence, an inspector appointed under section 15 of the 1991 Act may enter any Crown premises for the purposes of exercising any powers conferred by that section.