
STATUTORY INSTRUMENTS

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 [^{F1}Secretary of State] 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 [^{F1}Secretary of State] requires for any of the purposes, except enabling the non-resident parent to be identified, set out in paragraph (1).

Textual Amendments

F1 Words in reg. 3 substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 116(2)**

Information from other persons

4.—(1) The persons listed in paragraph (2) must furnish such information or evidence as is required by the [^{F2}Secretary of State] 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;

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- (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 ^{M1};
 - (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 ^{M2}, sections 97 to 99A of the Road Traffic Act 1988 ^{M3} or Part II of the Vehicle Excise and Registration Act 1994 ^{M4}; or
 - (ii) under the Prison Act 1952 ^{M5}, the Prison Act (Northern Ireland) 1953 ^{M6} or the Prisons (Scotland) Act 1989 ^{M7};
 - (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 ^{M8}, distributes or supplies electricity;
 - (k) a person who is the holder of a licence under section 7 of the Gas Act 1986 ^{M9} 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.

Textual Amendments

- F2** Words in reg. 4(1) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 116(3)**

Marginal Citations

- M1** 1974 c. 39.
- M2** S.I. 1981/154 (N.I. 1).
- M3** 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 \(c. 38\)](#).
- M4** 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 \(c. 15\)](#).
- M5** 1952 c. 52.
- M6** 1953 c. 18.
- M7** 1989 c. 45.
- M8** 1989 c. 29.
- M9** 1986 c. 44.

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 [F³Secretary of State] has jurisdiction under section 44 to make a maintenance calculation.

Textual Amendments

- F3** Words in reg. 5 substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 116(4)**

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 [F⁴Secretary of State] 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—
 - (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 ^{M10};
 - (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 ^{M11} (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 ^{M12} or a decree of declarator under section 7 of that Act in relation to a qualifying child.

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Textual Amendments

F4 Words in reg. 6(1) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 116(5)**

Marginal Citations

- M10** [S.I. 1981/1687](#), to which there are amendments not relevant to these Regulations.
- M11** [1989 c. 41](#).
- M12** [1986 c. 9](#).

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.

^{F5}(3)

Textual Amendments

F5 [Reg. 7\(3\)](#) omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **8(3)**

[^{F6}Secretary of State] to warn of consequences of failing to provide information or providing false information

8. A request by the [^{F6}Secretary of State] 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^{M13} for failing to provide, or providing false, information.

Textual Amendments

F6 Words in reg. 8 substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 116(6)**

Marginal Citations

M13 Section 14A is inserted in to the Act by section 13 of the [Child Support, Pensions and Social Security Act 2000](#).

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 [^{F7}Secretary of State] of their new address within 7 days of the change.

Textual Amendments

- F7** Words in reg. 9 substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), [Sch. para. 116\(7\)](#)

[^{F8}Duty to notify increase in current income

9A.—(1) In a case falling within paragraphs (2) or (3), the Secretary of State may notify the non-resident parent that that parent is required to notify the Secretary of State of any relevant change of circumstances in relation to that income.

(2) A case falls within this paragraph if, in relation to a maintenance calculation in force—

- (a) gross weekly income is determined by reference to the non-resident parent's current income as an employee or officeholder (in accordance with regulation 38 of the Maintenance Calculation Regulations); and
- (b) paragraph 5(b) of Schedule 1 to the 1991 Act (nil rate) does not apply.

(3) A case falls within this paragraph if, in relation to a maintenance calculation in force—

- (a) gross weekly income is determined by reference to the non-resident parent's current income (in accordance with regulation 37 of the Maintenance Calculation Regulations); and
- (b) paragraph 5(b) of Schedule 1 to the 1991 Act applies (nil rate).

(4) A notification by the Secretary of State under paragraph (1) must be in writing.

(5) Where a relevant change of circumstances occurs after the non-resident parent has been notified of a requirement under paragraph (1), the non-resident parent must notify the Secretary of State of that change—

- (a) within fourteen days beginning with the day on which the change occurs; or
- (b) within such other period as the Secretary of State has specified in the notification.

(6) For the purposes of a case falling within paragraph (2), a relevant change of circumstances occurs where—

- (a) the non-resident parent—
 - (i) commences a new employment or office; or
 - (ii) in relation to an existing employment or office, commences a new rate of remuneration or a new working pattern,

and could reasonably be expected to know that would result in an increased liability under the maintenance calculation in force if reported to the Secretary of State; or

- (b) the non-resident parent receives from their employment or office the following number of consecutive payments, each of which (if it were taken as a weekly average) exceeds the gross weekly income taken into account in the maintenance calculation in force by 25% or more—
 - (i) five payments, in the case of a non-resident parent paid weekly;
 - (ii) three payments, in the case of a non-resident parent paid fortnightly;
 - (iii) two payments, in the case of a non-resident parent paid four weekly or monthly.

(7) The payments referred to in paragraph (6)(b) are the gross remuneration from the employment or office in question less any pension contributions deducted under net pay arrangements.

(8) In paragraph (7)—

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“net pay arrangements” means arrangements for relief in respect of pension contributions under section 193 of the Finance Act 2004 .

(9) For the purposes of a case falling within paragraph (3), a relevant change of circumstances occurs where the non-resident parent's income increases to a gross weekly income of £5 or more.

(10) For the purposes of paragraph (9), gross weekly income is to be calculated in accordance with regulation 45(2) of the Maintenance Calculation Regulations.]

Textual Amendments

- F8** Reg. 9A inserted (10.12.2012 coming into force in accordance with reg. 1(4)) by [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **8(4)**

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 [F9Secretary of State] of that belief, and of the reasons for it, and must provide such other information as the [F9Secretary of State] may reasonably require, with a view to assisting the [F9Secretary of State] in determining whether the calculation has ceased to have effect.

Textual Amendments

- F9** Words in reg. 10 substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 116(8)**

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.

Status:

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Changes to legislation:

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