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## STATUTORY INSTRUMENTS

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# 2008 No. 2551

## The Child Support Information Regulations 2008

### PART 3

#### DISCLOSURE OF INFORMATION

##### Disclosure of information to a court or tribunal

12.—(1) The [<sup>F1</sup>Secretary of State] may disclose any information held for the purposes of the 1991 Act to—

- (a) a court;
- (b) any tribunal or other body or person mentioned in the 1991 Act;
- (c) a person with a right of appeal under the 1991 Act to [<sup>F2</sup>the First-tier Tribunal],

where such disclosure is made for the purposes of any proceedings before any of those bodies relating to the 1991 Act, the benefit Acts, the Jobseekers Act 1995 <sup>M1</sup> or Part 1 of the Welfare Reform Act 2007 <sup>M2</sup>.

(2) For the purposes of this regulation “proceedings” includes the determination of an application referred to [<sup>F3</sup>the First-tier Tribunal] under section 28D(1)(b) of the 1991 Act.

(3) The [<sup>F4</sup>Secretary of State] may disclose information held for the purposes of the 1991 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.

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##### Textual Amendments

- F1** Words in reg. 12(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(9)**
- F2** Words in reg. 12(1)(c) substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, **Sch. 1 para. 346**
- F3** Words in reg. 12(2) substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, **Sch. 1 para. 346**
- F4** Words in reg. 12(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(9)**

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##### Marginal Citations

- M1** 1995 c. 18.

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M2 2007 c. 5.

**Disclosure of information to other persons**

13.—<sup>F5</sup>(1) The [<sup>F6</sup>Secretary of State] may disclose information held for the purposes of the 1991 Act relating to one party to a maintenance calculation to another party to that calculation where, in the opinion of the [<sup>F6</sup>Secretary of State], such information is essential to inform the party to whom it would be given as to—

- (a) why [<sup>F7</sup>the Secretary of State] has decided not to make a maintenance calculation in response to an application made under section 4 or 7 of the 1991 Act, or an application for a revision under section 16 of that Act or a decision under section 17 of that 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 made, that calculation cannot, at the time in question, be proceeded with;
- (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 [<sup>F8</sup>regulation 25 of the Maintenance Calculation Regulations (notification of a maintenance calculation)];
- (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 1991 Act;
- (f) why a particular method of enforcement under the 1991 Act of an amount due under a maintenance calculation has been adopted in a particular case; <sup>F5</sup>...
- (g) why a decision has been made not to enforce, or to cease to enforce, under the 1991 Act the amount due under a maintenance calculation.
- <sup>F9</sup>(h) why it was decided, in relation to any arrears of child support maintenance, not to accept payment in part in satisfaction of liability for the whole under section 41D(1) of the 1991 Act; or
- (i) why it was decided not to extinguish liability in respect of arrears of child support maintenance under section 41E(1) of the 1991 Act.]

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

- (a) a person who has made an application for a maintenance calculation;
- (b) a qualifying child, person with care or non-resident parent in respect of whom an application for a maintenance calculation has been made;
- <sup>F10</sup>(c) .....
- (d) the personal representative of a person mentioned in sub-paragraph (a) or (b) 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 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 in connection with such an application.

(3) Any application for information under this regulation shall be made to the [<sup>F11</sup>Secretary of State] in writing setting out the reasons for the application.

(4) Except where a person gives written permission to the [<sup>F11</sup>Secretary of State] that the information mentioned in sub-paragraphs (a) and (b) below in relation to that person may be

conveyed to other persons, any information given under the provisions of paragraph (1) shall not contain—

- (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 Commission under the 1991 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 party to the maintenance calculation, being identified.

#### Textual Amendments

- F5** Word in reg. 13(1) omitted (8.10.2012 for specified purposes by virtue of 2008 c. 6, ss. 32, 33 being brought into force for specified purposes on that date by S.I. 2012/2523, art. 2(2)(d), 10.12.2012 otherwise by virtue of the provisions of the 2008 Act being brought wholly into force on that date by S.I. 2012/3042, art. 4(a)) by virtue of [The Child Support Management of Payments and Arrears \(Amendment\) Regulations 2012 \(S.I. 2012/3002\)](#), regs. 1, **3(2)**
- F6** Words in reg. 13(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(10)(a)**
- F7** Words in reg. 13(1)(a) 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(10)(a)**
- F8** Words in reg. 13(1)(d) substituted (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(5)(a)**
- F9** Reg. 13(1)(h)-(i) inserted (8.10.2012 for specified purposes by virtue of 2008 c. 6, ss. 32, 33 being brought into force for specified purposes on that date by S.I. 2012/2523, art. 2(2)(d), 10.12.2012 otherwise by virtue of the provisions of the 2008 Act being brought wholly into force on that date by S.I. 2012/3042, art. 4(a)) by [The Child Support Management of Payments and Arrears \(Amendment\) Regulations 2012 \(S.I. 2012/3002\)](#), regs. 1, **3(3)**
- F10** Reg. 13(2)(c) omitted (28.10.2013) by virtue of [The Social Security, Child Support, Vaccine Damage and Other Payments \(Decisions and Appeals\) \(Amendment\) Regulations 2013 \(S.I. 2013/2380\)](#), regs. 1(2), **7(3)** (with reg. 8(1))
- F11** Words in reg. 13(3)(4) 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(10)(b)**

#### [<sup>F12</sup>E] Employment to which section 50 of the 1991 Act applies

14.—(1) For the purposes of section 50(1A) of the 1991 Act, employment as any member of a committee or sub-committee established under paragraph 11 of Schedule 1 to the Child Maintenance and Other Payments Act 2008 is prescribed as a kind of employment to which section 50(1) of that Act applies.

(2) For the purposes of section 50(1C) of the 1991 Act, the following kinds of employment are prescribed as kinds of employment to which section 50(1B) of that Act applies—

- (a) the Comptroller and Auditor General;
- [<sup>F13</sup>(aa) a member or employee of the National Audit Office or any other person who carries out administrative work of the Office, or who provides, or is employed in the provision of, services to it;]

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- [<sup>F14</sup>(b) any member of the staff of the National Audit Office that was established by section 3 of the National Audit Act 1983 or any other person who carried out administrative work of the Office, or who provided, or was employed in the provision of, services to it;]
- (c) the Parliamentary Commissioner for Administration;
- (d) the Health Service Commissioner for Wales;
- (e) the Health Service Commissioner for Scotland;
- (f) any officer of any of the Commissioners referred to in paragraphs (c) to (e) above.]

#### Textual Amendments

- F12** Reg. 14 substituted (6.4.2009) by [Child Support \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/396\)](#), regs. 1, **6**
- F13** Reg. 14(2)(aa) inserted (1.4.2012) by [The Budget Responsibility and National Audit Act 2011 \(Consequential Amendments\) Order 2012 \(S.I. 2012/725\)](#), arts. 1(2), **2(10)(a)**
- F14** Reg. 14(2)(b) substituted (1.4.2012) by [The Budget Responsibility and National Audit Act 2011 \(Consequential Amendments\) Order 2012 \(S.I. 2012/725\)](#), arts. 1(2), **2(10)(b)**

#### [<sup>F15</sup>Disclosure of information to credit reference agencies

**14A.**—(1) The information prescribed for the purposes of section 49D(2)(c) of the 1991 Act (disclosure of information to credit reference agencies) is, in relation to the person referred to in section 49D(2)(b) of that Act—

- (a) the person's name, last known or notified address and date of birth;
- (b) the reference number used by the Secretary of State to identify the person's case;
- (c) the date on which any liability order in force against the person was made;
- (d) the amount in respect of which that liability order was made;
- (e) the address stated in that liability order, if different from the person's last known or notified address;
- (f) that the amount referred to in sub-paragraph (d) has been paid and the date on which that amount was paid;
- (g) that a liability order made against the person has been set aside or quashed.

(2) The Secretary of State must send a written notice by post to the person's last known or notified [<sup>F16</sup>postal address, or by electronic communication in accordance with the Schedule, ] at least twenty-one days prior to supplying the information in paragraph (1)(a) to (e) to a credit reference agency.

(3) The requirement in paragraph (2) does not apply where the person cannot be traced.

(4) The written notice must state that the Secretary of State intends to supply information in relation to the non-resident parent to a credit reference agency.]

#### Textual Amendments

- F15** Reg. 14A inserted (23.3.2015) by [The Child Support \(Miscellaneous and Consequential Amendments\) Regulations 2015 \(S.I. 2015/338\)](#), regs. 1(2), **7**
- F16** Words in reg. 14A(2) substituted (26.5.2022) by [The Child Support \(Amendments Relating to Electronic Communications and Information\) \(England and Wales and Scotland\) Regulations 2022 \(S.I. 2022/503\)](#), regs. 1(2), **11**

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**Changes to legislation:**

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