
STATUTORY INSTRUMENTS

2009 No. 3151

**The Child Support (Management of
Payments and Arrears) Regulations 2009**

PART 4

Recovery from Estates

Application and interpretation

10.—(1) This Part applies in relation to the estate of a person who dies on or after the day on which these Regulations come into force.

(2) In this Part, “child support maintenance” means child support maintenance for the collection of which the [^{F1}Secretary of State] is authorised to make arrangements.

Textual Amendments

F1 Words in [reg. 10\(2\)](#) 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. 121(9)**

Recovery of arrears from a deceased person's estate

11. Arrears of child support maintenance for which a deceased person was liable immediately before death are a debt payable by the deceased's executor or administrator out of the deceased's estate to the [^{F2}Secretary of State].

Textual Amendments

F2 Words in [reg. 11](#) 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. 121(10)**

Appeals and other proceedings

12.—(1) The deceased's executor or administrator has the same rights, subject to the same procedures and time limits, as the deceased person had immediately before death to institute, continue or withdraw any proceedings under the 1991 Act, whether by appeal or otherwise.

(2) Regulation 34 of the Decisions and Appeals Regulations shall apply to a case where the non-resident parent is the deceased party to the proceedings as if for paragraphs (1) and (2) there were substituted the following paragraph—

Status: Point in time view as at 01/08/2012.

Changes to legislation: There are currently no known outstanding effects for the The Child Support (Management of Payments and Arrears) Regulations 2009, PART 4. (See end of Document for details)

“(1) In any proceedings, on the death of a non-resident parent, the [F3Secretary of State] must appoint the deceased's executor or administrator to proceed with the appeal in place of the deceased, unless there is no such person in which circumstances [F3the Secretary of State] may appoint such person as [F3the Secretary of State] thinks fit to proceed with the appeal.”.

Textual Amendments

F3 Words in [reg. 12\(2\)](#) 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. 121(11)**

Disclosure of information

13.—(1) The [F4Secretary of State] may disclose information held for the purposes of the 1991 Act to the deceased's executor or administrator where, in the opinion of the [F4Secretary of State], such information is essential to enable the executor or administrator to administer the deceased's estate, including, where necessary, to institute, continue or withdraw proceedings under the 1991 Act.

(2) Any application for information under this regulation shall be made to the [F4Secretary of State] in writing setting out the reasons for the application.

(3) Except where a person gives written permission to the [F4Secretary of State] that the information mentioned in sub-paragraphs (a) and (b) in relation to that person may be disclosed to other persons, any information disclosed under paragraph (1) must not contain—

- (a) the address of any person, except that of the recipient of the information in question and the office of the officer concerned who is exercising functions of the [F4Secretary of State] 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

F4 Words in [reg. 13](#) 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. 121(12)**

Status:

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Changes to legislation:

There are currently no known outstanding effects for the The Child Support (Management of Payments and Arrears) Regulations 2009, PART 4.