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STATUTORY RULES OF NORTHERN IRELAND

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**2008 No. 403**

**The Child Support Information  
Regulations (Northern Ireland) 2008**

**PART 2**

**DUTY TO PROVIDE INFORMATION**

**Information from the applicant**

**3.** A person who has made an application for a maintenance calculation under Article 7 of the Order must furnish such information as the Department 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.

**Information from other persons**

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

- (a) for the determination of any application made under the Order 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 Order; or
- (c) in connection with the collection or enforcement of child support or other maintenance under that Order.

**(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<sup>(1)</sup>;

- (g) the appropriate authority, the Health and Social Services Board or the HSS trust 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 Article 10(1) of the Electricity (Northern Ireland) Order 1992(8), distributes or supplies electricity;
  - (k) a person who is the holder of a licence under Article 8(1) of the Gas (Northern Ireland) Order 1996(9) to convey or 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 Article 27(2) of the Order, 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 Department has jurisdiction under Article 41 of the Order 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 Department 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 relation to the High Court, the Master (Probate and Matrimonial) or the Master (Care and Protection);
  - (b) in relation to the county court, the chief clerk;
  - (c) in relation to a court of summary jurisdiction, the clerk of petty sessions.

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(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 Licences (Community Driving Licence) Regulations (S.I. 1990/144), the Driving Licences (Community Driving Licence) Regulations 1996 (S.I. 1996/1974), the Driving Licences (Community Driving Licence) Regulations 1998 (S.I. 1998/1420), the Road Traffic (New Drivers) Act 1995 (c. 13) 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) S.I. 1992/231 (N.I. 1)

(9) S.I. 1996/275 (N.I. 2)

(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 a statutory provision specified in paragraphs (b) to (dd) of Article 10(11) of the Order, or prescribed under Article 10(11) of that Order 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 III of the Children (Northern Ireland) Order 1995<sup>(10)</sup> (Orders with Respect to Children In Family Proceedings) 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).

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

8. A request by the Department 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 Article 16A<sup>(11)</sup> of the Order 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 Department of their new address within seven days of the change.

#### **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 Article 3 or 41 of, or paragraph 16 of Schedule 1 to, the Order, the calculation has ceased to have effect, that person must, as soon as is reasonably practicable, inform the Department of that belief, and of the reasons for it, and must provide such other information as the Department may reasonably require, with a view to assisting the Department 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 Article 17 of the Order may enter any Crown premises for the purposes of exercising any powers conferred on him by that Article.

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<sup>(10)</sup> S.I. 1995/755 (N.I. 2)

<sup>(11)</sup> Article 16A was inserted by section 13 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 c. 4 (N.I.)