
STATUTORY INSTRUMENTS

1992 No. 1812

**The Child Support (Information, Evidence
and Disclosure) Regulations 1992**

PART II

FURNISHING OF INFORMATION OR EVIDENCE

Persons under a duty to furnish information or evidence

2.—(1) Where an application for a maintenance assessment has been made under the Act, a person falling within a category listed in paragraph (2) shall, subject to the restrictions specified in that paragraph, furnish such information or evidence as is required by the Secretary of State and which is needed to enable a determination to be made in relation to one or more of the matters listed in regulation 3(1), and the person concerned has that information or evidence in his possession or can reasonably be expected to acquire that information or evidence.

(2) The persons who may be required to furnish information or evidence, and the matter or matters with respect to which such information or evidence may be required, are as follows—

- (a) the relevant persons, with respect to the matters listed in regulation 3(1);
- (b) a person who is alleged to be a parent of a child with respect to whom an application for a maintenance assessment has been made who denies that he is one of that child's parents, with respect to the matters listed in sub-paragraphs (b) and (d) of regulation 3(1);
- (c) the current or recent employer of the absent parent or the parent with care in relation to whom an application for a maintenance assessment has been made, with respect to the matters listed in sub-paragraphs (d), (e), (f), (h) and (j) of regulation 3(1);
- (d) the local authority in whose area a person falling within a category listed in sub-paragraphs (a) and (b) above resides or has resided, with respect to the matter listed in sub-paragraph (a) of regulation 3(1);
- (e) a person specified in paragraph (3) below, in any case where, in relation to the qualifying child or qualifying children or the absent parent—
 - (i) there is or has been a relevant court order; or
 - (ii) there have been, or are pending, related proceedings before a court,
with respect to the matters listed in sub-paragraphs (g), (h) and (k) of regulation 3(1).

(3) The persons who may be required to furnish information or evidence in relation to a relevant court order or related proceedings under the provisions of paragraph (2)(e) 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 Court Rules 1981(1);
- (iii) in relation to a magistrates' court, the clerk to the justices of 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.

Purposes for which information or evidence may be required

3.—(1) The Secretary of State may require information or evidence under the provisions of regulation 2 only if that information or evidence is needed to enable—

- (a) a decision to be made as to whether, in relation to an application for a maintenance assessment, there exists a qualifying child, an absent parent and a person with care;
- (b) a decision to be made as to whether a child support officer has jurisdiction to make a maintenance assessment under section 44 of the Act;
- (c) a decision to be made, where more than one application has been made, as to which application is to be proceeded with;
- (d) an absent parent to be identified;
- (e) an absent parent to be traced;
- (f) the amount of child support maintenance payable by an absent parent to be assessed;
- (g) the amount payable under a relevant court order to be ascertained;
- (h) the amounts specified in sub-paragraphs (f) and (g) to be recovered from an absent parent;
- (i) the amount of interest payable with respect to arrears of child support maintenance to be determined;
- (j) the amount specified in sub-paragraph (i) to be recovered from an absent parent;
- (k) any related proceedings to be identified.

(2) The information or evidence to be furnished in accordance with regulation 2 may in particular include information and evidence as to—

- (a) the habitual residence of the person with care, the absent parent and any child in respect of whom an application for a maintenance assessment has been made;
- (b) the name and address of the person with care and of the absent parent, their marital status, and the relationship of the person with care to any child in respect of whom the application for a maintenance assessment has been made;
- (c) the name, address and date of birth of any such child, that child's marital status, and any education that child is undergoing;
- (d) the persons who have parental responsibility for (or, in Scotland, parental rights over) any qualifying child where there is more than one person with care;
- (e) the time spent by a qualifying child in respect of whom an application for a maintenance assessment has been made with each person with care, where there is more than one such person;
- (f) the matters relevant for determining, in a case falling within section 26 of the Act (disputes about parentage), whether that case falls within one of the Cases set out in subsection (2)

(1) S.I.1981/1687, to which there are amendments not relevant to these Regulations.

- of that section, and if it does not, the matters relevant for determining the parentage of a child whose parentage is in dispute;
- (g) the name and address of any current or recent employer of an absent parent or a parent with care, and the gross earnings and the deductions from those earnings deriving from each employment;
 - (h) the address from which an absent parent or parent with care who is self-employed carries on his trade or business, the trading name, and the gross receipts and expenses and other outgoings of the trade or business;
 - (i) any other income of an absent parent and a parent with care;
 - (j) any income, other than earnings, of a qualifying child;
 - (k) amounts payable and paid under a relevant court order or a maintenance agreement;
 - (l) the persons living in the same household as the absent parent or living in the same household as the parent with care, their relationship to the absent parent or the parent with care, as the case may be, and to each other, and, in the case of the children of any such party, the dates of birth of those children;
 - (m) the matters set out in sub-paragraphs (g) and (h) in relation to the persons specified in sub-paragraph (l) other than any children living in the same household as the absent parent or the parent with care, as the case may be;
 - (n) income other than earnings of the persons living in the same household as the absent parent or the parent with care;
 - (o) benefits related to disability that the absent parent, parent with care and other persons living in the same household as the absent parent or the parent with care are entitled to or would be entitled to if certain conditions were satisfied;
 - (p) the housing costs to be taken into account for the purposes of determining assessable or disposable income;
 - (q) the identifying details of any bank, building society or similar account held in the name of the absent parent or the person with care, and statements relating to any such account;
 - (r) the matters relevant for determining whether—
 - (i) a maintenance assessment has ceased to have effect or should be cancelled under the provisions of paragraph 16 of Schedule 1 to the Act;
 - (ii) a person is a child within the meaning of section 55 of the Act.

Information from an appropriate authority in connection with housing benefit or council tax benefit

4. For the purposes of paragraph 2 of Schedule 2 to the Act, “relevant information ” means—
- (a) information as to the amount of housing costs of an absent parent or person with care which are treated as eligible rent for housing benefit purposes, and the entitlement to housing benefit at the date the Secretary of State gives a direction under paragraph 2(2) of that Schedule;
 - (b) information as to the amount of council tax payable by an absent parent or person with care, and as to the entitlement to council tax benefit at the date the Secretary of State gives a direction under paragraph 2(2) of that Schedule.

Time within which information or evidence is to be furnished

5. Subject to the provisions of regulations 2(5), 6(1), 17(5) and 19(2) of the Maintenance Assessment Procedure Regulations, any information or evidence furnished in accordance with

regulations 2 and 3 shall be furnished as soon as is reasonably practicable in the particular circumstances of the case.

Continuing duty of persons with care

6. Where a person with care with respect to whom a maintenance assessment has been made believes that, by virtue of section 44 or 55 of, or paragraph 16 of Schedule 1 to, the Act, the assessment has ceased to have effect or should be cancelled, she shall, as soon as is reasonably practicable, inform the Secretary of State of that belief, and of the reasons for it, and shall provide such other information as the Secretary of State may reasonably require, with a view to assisting the Secretary of State or a child support officer in determining whether the assessment has ceased to have effect, or should be cancelled.

Powers of inspectors in relation to Crown residences

7. Subject to Her Majesty not being in residence, an inspector appointed under section 15 of the Act may enter any Crown premises for the purpose of exercising any powers conferred on him by that section.