

*Status: This version of this provision is prospective.*

**Changes to legislation:** Child Maintenance Act (Northern Ireland) 2008, Section 30 is up to date with all changes known to be in force on or before 01 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes



## 2008 CHAPTER 10

### PART 2

#### CHILD SUPPORT ETC.

##### *Miscellaneous*

PROSPECTIVE

#### **Disclosure of information relating to family proceedings**

**30** After Article 45A of the Child Support Order (inserted by section 25), insert—

#### **“Disclosure of information relating to family proceedings**

**45B.**—(1) Where this Article applies, a disclosure of information relating to family proceedings, made to the Department, or to a person providing services to the Department, by a party to the proceedings is not (if it would otherwise be) a contempt of court or punishable as a contempt of court.

(2) This Article applies if—

- (a) the party is a person with care or non-resident parent in relation to a child
- (b) child support maintenance is payable, or an application for a maintenance calculation has been made, in respect of the child, and

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(c) the party reasonably considers that the information is relevant to the exercise of the Department's functions relating to child support in relation to the child.

(3) A disclosure by a party's representative is to be treated for the purposes of this Article as a disclosure by the party, if the representative is instructed by the party to make the disclosure.

(4) In this Article, “representative” means—

- (a) a barrister or solicitor who has been instructed to act for a party in relation to the proceedings; or
- (b) such other persons as may be prescribed in regulations made by the Department with the consent of the Lord Chancellor.

(5) This Article does not apply if the court dealing with the proceedings so directs.

### **Meaning of “family proceedings”**

**45C.—**(1) In Article 45B, “family proceedings” means any of the following proceedings commenced on or after the day on which that Article comes into operation—

- (a) proceedings for ancillary relief (within the meaning of paragraph (2));
- (b) proceedings under section 17 of the Married Women's Property Act 1882 (questions between husband and wife as to property);
- (c) proceedings under any of the following provisions of the 1978 Order—
  - (i) Article 29 (financial provision in cases of neglect to maintain);
  - (ii) Article 37 (alteration of maintenance agreements);
- (d) proceedings under the Domestic Proceedings (Northern Ireland) Order 1980 (powers of court to make orders for financial provision);
- (e) proceedings under Part 4 of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (financial relief in Northern Ireland after overseas divorce etc.);
- (f) proceedings under Articles 11 to 19 of the Family Homes and Domestic Violence (Northern Ireland) Order 1998 (occupation orders);
- (g) proceedings under any of the following provisions of the 2004 Act—

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- (i) section 191 (disputes between civil partners about property);
  - (ii) paragraph 36 of Schedule 15 (orders where failure to maintain);
  - (iii) paragraph 62 of Schedule 15 (alteration of maintenance agreements by the court)
  - (iv) Schedule 16 (financial relief in courts of summary jurisdiction etc.);
  - (v) Schedule 17 (financial relief in Northern Ireland after overseas dissolution etc. of a civil partnership).
- (2) In paragraph (1)(a), “ancillary relief” means any of the following—
- (a) an order under Article 39(2)(b) or (c) of the 1978 Order or paragraph 67(3) or (4) of Schedule 15 to the 2004 Act (avoidance of disposition orders);
  - (b) any of the orders mentioned in Article 23(1) of the 1978 Order (except an order under Article 29(6) of that Order) or any of the orders mentioned in paragraph 2(1) of Schedule 15 to the 2004 Act (financial provision orders) made under Part 1 of that Schedule;
  - (c) an order under Article 24 of the 1978 Order (orders for maintenance pending suit);
  - (d) an order under paragraph 33 of Schedule 15 to the 2004 Act (orders for maintenance pending outcome of proceedings);
  - (e) any of the orders mentioned in Article 23(2) of the 1978 Order or any of the orders mentioned in paragraph 7(1) of Schedule 15 to the 2004 Act (property adjustment orders);
  - (f) an order under Article 33 of the 1978 Order or an order under Part 10 of Schedule 15 to the 2004 Act (variation orders);
  - (g) an order under Article 26B of the 1978 Order or an order under paragraph 10 of Schedule 15 to the 2004 Act (pension sharing orders).
- (3) The Department may by order amend this Article so as to provide that “family proceedings” in Article 45B includes proceedings of a description specified in the order, other than proceedings commenced before the day on which the order comes into operation.
- (4) An order under paragraph (3) may be made only with the consent of the Lord Chancellor.
- (5) In this Article—

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“the 1978 Order” means the Matrimonial Causes (Northern Ireland) Order 1978;

“the 2004 Act” means the Civil Partnership Act 2004.”.

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SR 2012/440 art. 3 by [S.R. 2014/194 art. 4](#)
- specified provision(s) amendment to earlier commencing SR 2013/201 art. 3 by [S.R. 2014/194 art. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 2 para. 3(3) inserted by [S.I. 2015/2006 \(N.I.\) art. 126\(2\)](#)