

# CHILD MAINTENANCE AND OTHER PAYMENTS ACT 2008

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 3 – Child Support etc.**

##### **Miscellaneous**

##### ***Section 39: Disclosure of information relating to family proceedings***

361. *Section 39* inserts two new *sections 49B* and *49C* into the Child Support Act 1991 to enable a party to family proceedings to disclose information relating to those proceedings to the Commission or to a person providing services to the Commission without such a disclosure being a contempt of court, unless a court dealing with the proceedings directs that the section does not apply.
362. *Subsections (2) and (3) of section 49B* clarify that the section applies if the party is a person with care in relation to a child, or a child of 12 or over in Scotland, for whom child support maintenance is payable or an application for child support maintenance has been made, and the party reasonably considers that the information is relevant to the Commission carrying out its functions in relation to that application
363. *Subsection (4)* allows a representative, if instructed by the party, to make a disclosure on their behalf.
364. *Subsection (5)* defines “representative” for the purposes of this section.
365. *Section 49C(1)* lists the proceedings that are “family proceedings” for the purposes of section 49B. Only proceedings commenced on or after the day on which section 49B comes into force are covered.
366. *Subsection (2)* defines “ancillary relief” for the purposes of subsection (1)(a)
367. *Subsections (3) and (4)* enable the Secretary of State to make an amendment by order, with the consent of the Lord Chancellor, to provide that “family proceedings” include proceedings of a description specified in the order, as long as the proceedings were not begun before the order comes into force.