
STATUTORY INSTRUMENTS

2008 No. 2551

FAMILY LAW

The Child Support Information Regulations 2008

Made - - - - *26th September 2008*
Laid before Parliament *2nd October 2008*
Coming into force - - *27th October 2008*

The Secretary of State, in exercise of the powers conferred by sections 4(4), 7(5), 14(1) and (3), 50(5), 51(1), 52(4), 54 and 57(1) and (2) of, and paragraph 16(10) of Schedule 1 to, the Child Support Act 1991 ^{M1} makes the following Regulations:

Marginal Citations

M1 1991 c. 48. Section 54 is cited because of the meaning given to the word “prescribed”.

PART 1
GENERAL

Citation and commencement

1. These Regulations may be cited as the Child Support Information Regulations 2008 and come into force on 27th October 2008.

Interpretation

2.—(1) In these Regulations—

“the 1991 Act” means the Child Support Act 1991;

[^{F1}“electronic communication” has the same meaning as in section 15(1) of the Electronic Communications Act 2000;]

“local authority” means, in relation to England, a county council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly and, in relation to Wales, a county council or a county borough council and, in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ^{M2};

[^{F2} “ the Maintenance Calculation Regulations ” means the Child Support Maintenance Calculation Regulations 2012;]

^{F3}(2)

^{F3}(3)

(4) References in these Regulations to a non-resident parent are to a person who is the non-resident parent in relation to an application for a maintenance calculation or in relation to a maintenance calculation that is or has been in force and includes a person treated as a non-resident parent by virtue of regulations made under section 42 of the 1991 Act.

- F1** Words in [reg. 2\(1\)](#) inserted (26.5.2022) by [The Child Support \(Amendments Relating to Electronic Communications and Information\) \(England and Wales and Scotland\) Regulations 2022 \(S.I. 2022/503\)](#), regs. 1(2), **8**
- F2** Words in [reg. 2\(1\)](#) substituted (10.12.2012 coming into force in accordance with [reg. 1\(4\)](#)) by [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **8(2)(a)**
- F3** [Reg. 2\(2\)\(3\)](#) omitted (10.12.2012 coming into force in accordance with [reg. 1\(4\)](#)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **8(2)(b)**

Marginal Citations

M2 1994 c. 39.

[^{F4}**Use of electronic communications**

2A. The Schedule makes provision for the use of electronic communications.]

- F4** [Reg. 2A](#) inserted (26.5.2022) by [The Child Support \(Amendments Relating to Electronic Communications and Information\) \(England and Wales and Scotland\) Regulations 2022 \(S.I. 2022/503\)](#), regs. 1(2), **9**

PART 2

DUTY TO PROVIDE INFORMATION

Information from the applicant

3.—(1) A person who has made an application for a maintenance calculation under section 4 of the 1991 Act must furnish such information as the [^{F5}Secretary of State] 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.

(2) A qualifying child who has made an application for a maintenance calculation under section 7 of the 1991 Act (right of a child in Scotland to apply for a calculation) must furnish such information as the [^{F5}Secretary of State] requires for any of the purposes, except enabling the non-resident parent to be identified, set out in paragraph (1).

F5 Words in reg. 3 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. 116(2)**

Information from other persons

4.—(1) The persons listed in paragraph (2) must furnish such information or evidence as is required by the [^{F6}Secretary of State] and is needed—

- (a) for the determination of any application made under the 1991 Act 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 Act; or
- (c) in connection with the collection or enforcement of child support or other maintenance under that Act.

(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 ^{M3};
- (g) a local authority 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 ^{M4}, sections 97 to 99A of the Road Traffic Act 1988 ^{M5} or Part II of the Vehicle Excise and Registration Act 1994 ^{M6}; or
 - (ii) under the Prison Act 1952 ^{M7}, the Prison Act (Northern Ireland) 1953 ^{M8} or the Prisons (Scotland) Act 1989 ^{M9};
- (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 the Electricity Act 1989 ^{M10}, distributes or supplies electricity;
- (k) a person who is the holder of a licence under section 7 of the Gas Act 1986 ^{M11} to convey gas through pipes or the holder of a licence under section 7A(1) of that Act to supply gas through pipes.

[^{F7}(ka) a person (“P”)—

- (i) who is carrying on, or who has carried on, share trading or investment management;
- (ii) who is communicating, or who has communicated, in the course of business, an invitation or inducement to engage in share trading or investment management;]

- [^{F7}(kb) a person (P’s “intermediary”) who has, or who has had, arrangements with P that P is, or was, to—
- (i) carry on share trading or investment management;
 - (ii) communicate, in the course of business, an invitation or inducement to engage in share trading or investment management;]
- [^{F7}(kc) except where sub-paragraph (d) applies, a person providing, or who has provided, professional services to the non-resident parent, P or P’s intermediary, in relation to the activities described in sub-paragraph (ka) or (kb);]
- [^{F7}(kd) a proprietor of an Academy, where “proprietor” and “Academy” have the same meaning as in section 579 of the Education Act 1996;]
- [^{F8}(l) a qualifying lender (within the meaning given in section 19(7) of the Welfare Reform and Work Act 2016);
- (m) a trustee, manager or administrator of an occupational [^{F9}, or personal,] pension scheme (within the meaning of section 1(1) of the Pension Schemes Act 1993).]
- [^{F10}(n) the Motor Insurers’ Bureau, a company limited by guarantee, or its officers where officer has the meaning given by section 1173(1) of the Companies Act 2006.]
- (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.
- [^{F11}(4) For the purposes of this regulation—
- “the 2001 Order” means the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001
 - “the 2005 Order” means the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005
 - “carrying on share trading or investment management” means carrying on a regulated activity referred to in—
 - (a) any of articles 14, 21, 25, 40, 45 or 53 of the 2001 Order in relation to shares or stock within the meaning of article 76 of that Order;
 - (b) article 37 of the 2001 Order, - and an expression referring to this is to be construed accordingly;
 - “engage in share trading or investment management” means engaging in an activity referred to in—
 - (a) any of paragraphs 3, 4, 6, 7 or 11 of Part I of Schedule 1 to 2005 Order in relation to shares or stock within the meaning of paragraph 14 of Part II of Schedule 1 to that Order,
 - (b) paragraph 5 of Part I of Schedule 1 to the 2005 Order; - and an expression referring to this is to be construed accordingly;
 - “communicate” has the same meaning as in section 21(13) of the Financial Services and Markets Act 2000;
 - “in the course of business” and “invitation or inducement” have the same meanings as in the Financial Services and Markets Act 2000;
 - “professional services” has the same meaning as in section 327(8) of the Financial Services and Markets Act 2000;
 - “regulated activity” has the same meaning as in section 22 of the Financial Services and Markets Act 2000.]

- F6** Words in reg. 4(1) 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. 116(3)**
- F7** Reg. 4(2)(ka)-(kd) inserted (26.5.2022) by The Child Support (Amendments Relating to Electronic Communications and Information) (England and Wales and Scotland) Regulations 2022 (S.I. 2022/503), regs. 1(2), **10(a)**
- F8** Reg. 4(2)(l)(m) inserted (24.7.2019) by The Child Support (Miscellaneous Amendments) Regulations 2019 (S.I. 2019/1084), regs. 1(2), **13**
- F9** Words in reg. 4(2)(m) inserted (26.5.2022) by The Child Support (Amendments Relating to Electronic Communications and Information) (England and Wales and Scotland) Regulations 2022 (S.I. 2022/503), regs. 1(2), **10(b)**
- F10** Reg. 4(2)(n) inserted (26.5.2022) by The Child Support (Amendments Relating to Electronic Communications and Information) (England and Wales and Scotland) Regulations 2022 (S.I. 2022/503), regs. 1(2), **10(c)**
- F11** Reg. 4(4) inserted (26.5.2022) by The Child Support (Amendments Relating to Electronic Communications and Information) (England and Wales and Scotland) Regulations 2022 (S.I. 2022/503), regs. 1(2), **10(d)**

Marginal Citations

- M3** 1974 c. 39.
- M4** S.I. 1981/154 (N.I. 1).
- M5** 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 Licence (Community Driving Licence) Regulations 1990 S.I. 1990/144, the Driving Licence (Community Driving Licence) Regulations 1996 S.I. 1996/1974, the Driving Licence (Community Driving Licence) Regulations 1998 S.I. 1998/1420 and the Transport Act 2000 (c. 38).
- M6** 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).
- M7** 1952 c. 52.
- M8** 1953 c. 18.
- M9** 1989 c. 45.
- M10** 1989 c. 29.
- M11** 1986 c. 44.

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 section 26(2) of the 1991 Act (disputes about parentage), 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 [F12Secretary of State] has jurisdiction under section 44 to make a maintenance calculation.

- F12** Words in reg. 5 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. 116(4)**

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 ^{F13}Secretary of State] 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 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;

^{F14}(ii) in relation to the family court, a judge 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.

(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 an enactment specified in paragraphs (a) to (ea) of section 8(11) of the 1991 Act or prescribed under section 8(11) of that Act 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 II of the Children Act 1989^{M12} (orders with respect to children in family proceedings) in relation to a qualifying child or, in Scotland, an order under section 3 of the Law Reform (Parent and Child) (Scotland) Act 1986^{M13} or a decree of declarator under section 7 of that Act in relation to a qualifying child.

F13 Words in reg. 6(1) 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. 116(5)**

F14 Reg. 6(2)(a)(ii) substituted for reg. 6(2)(a)(ii) (22.4.2014) by [The Crime and Courts Act 2013 \(Family Court: Consequential Provision\) \(No.2\) Order 2014 \(S.I. 2014/879\)](#), arts. 1(1), **121**

Marginal Citations

M12 1989 c. 41.

M13 1986 c. 9.

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.

^{F15}(3)

F15 Reg. 7(3) omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **8(3)**

[^{F16}Secretary of State] to warn of consequences of failing to provide information or providing false information

8. A request by the [^{F16}Secretary of State] 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 section 14A of the 1991 Act^{M14} for failing to provide, or providing false, information.

F16 Words in reg. 8 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. 116(6)**

Marginal Citations

M14 Section 14A is inserted in to the Act by section 13 of the Child Support, Pensions and Social Security Act 2000.

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 [^{F17}Secretary of State] of their new address within 7 days of the change.

F17 Words in reg. 9 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. 116(7)**

[^{F18}Duty to notify increase in current income

9A.—(1) In a case falling within paragraphs (2) or (3), the Secretary of State may notify the non-resident parent that that parent is required to notify the Secretary of State of any relevant change of circumstances in relation to that income.

(2) A case falls within this paragraph if, in relation to a maintenance calculation in force—

(a) gross weekly income is determined by reference to the non-resident parent's current income as an employee or officeholder (in accordance with regulation 38 of the Maintenance Calculation Regulations); and

(b) paragraph 5(b) of Schedule 1 to the 1991 Act (nil rate) does not apply.

(3) A case falls within this paragraph if, in relation to a maintenance calculation in force—

(a) gross weekly income is determined by reference to the non-resident parent's current income (in accordance with regulation 37 of the Maintenance Calculation Regulations); and

(b) paragraph 5(b) of Schedule 1 to the 1991 Act applies (nil rate).

(4) A notification by the Secretary of State under paragraph (1) must be in writing.

(5) Where a relevant change of circumstances occurs after the non-resident parent has been notified of a requirement under paragraph (1), the non-resident parent must notify the Secretary of State of that change—

- (a) within fourteen days beginning with the day on which the change occurs; or
 - (b) within such other period as the Secretary of State has specified in the notification.
- (6) For the purposes of a case falling within paragraph (2), a relevant change of circumstances occurs where—
- (a) the non-resident parent—
 - (i) commences a new employment or office; or
 - (ii) in relation to an existing employment or office, commences a new rate of remuneration or a new working pattern,
and could reasonably be expected to know that would result in an increased liability under the maintenance calculation in force if reported to the Secretary of State; or
 - (b) the non-resident parent receives from their employment or office the following number of consecutive payments, each of which (if it were taken as a weekly average) exceeds the gross weekly income taken into account in the maintenance calculation in force by 25% or more—
 - (i) five payments, in the case of a non-resident parent paid weekly;
 - (ii) three payments, in the case of a non-resident parent paid fortnightly;
 - (iii) two payments, in the case of a non-resident parent paid four weekly or monthly.
- (7) The payments referred to in paragraph (6)(b) are the gross remuneration from the employment or office in question less any pension contributions deducted under net pay arrangements.
- (8) In paragraph (7)—
“net pay arrangements” means arrangements for relief in respect of pension contributions under section 193 of the Finance Act 2004 .
- (9) For the purposes of a case falling within paragraph (3), a relevant change of circumstances occurs where the non-resident parent's income increases to a gross weekly income of [^{F19}£7] or more.
- (10) For the purposes of paragraph (9), gross weekly income is to be calculated in accordance with regulation 45(2) of the Maintenance Calculation Regulations.]

F18 Reg. 9A inserted (10.12.2012 coming into force in accordance with reg. 1(4)) by [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **8(4)**

F19 Word in reg. 9A(9) substituted (3.7.2013 coming into force in accordance with reg. 1(2)(3)) by [The Child Support and Claims and Payments \(Miscellaneous Amendments and Change to the Minimum Amount of Liability\) Regulations 2013 \(S.I. 2013/1654\)](#), reg. 1(2)(3)**4**

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 section 44 or 55 of, or paragraph 16 of Schedule 1 to, the 1991 Act, the calculation has ceased to have effect, that person must, as soon as is reasonably practicable, inform the [^{F20}Secretary of State] of that belief, and of the reasons for it, and must provide such other information as the [^{F20}Secretary of State] may reasonably require, with a view to assisting the [^{F20}Secretary of State] in determining whether the calculation has ceased to have effect.

F20 Words in reg. 10 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. 116(8)**

Powers of inspectors in relation to Crown premises

11. Subject to Her Majesty not being in residence, an inspector appointed under section 15 of the 1991 Act may enter any Crown premises for the purposes of exercising any powers conferred by that section.

PART 3

DISCLOSURE OF INFORMATION

Disclosure of information to a court or tribunal

12.—(1) The [^{F21}Secretary of State] may disclose any information held for the purposes of the 1991 Act to—

- (a) a court;
- (b) any tribunal or other body or person mentioned in the 1991 Act;
- (c) a person with a right of appeal under the 1991 Act to [^{F22}the First-tier Tribunal],

where such disclosure is made for the purposes of any proceedings before any of those bodies relating to the 1991 Act, the benefit Acts, the Jobseekers Act 1995^{M15} or Part 1 of the Welfare Reform Act 2007^{M16}.

(2) For the purposes of this regulation “proceedings” includes the determination of an application referred to [^{F23}the First-tier Tribunal] under section 28D(1)(b) of the 1991 Act.

(3) The [^{F24}Secretary of State] may disclose information held for the purposes of the 1991 Act to a court in any case where—

- (a) that court has exercised any power it has to make, vary or revive a maintenance order or to vary a maintenance agreement; and
- (b) such disclosure is made for the purposes of any proceedings before that court in relation to that maintenance order or that maintenance agreement or for the purposes of any matters arising out of those proceedings.

F21 Words in reg. 12(1) 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. 116(9)**

F22 Words in reg. 12(1)(c) substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, **Sch. 1 para. 346**

F23 Words in reg. 12(2) substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, **Sch. 1 para. 346**

F24 Words in reg. 12(3) 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. 116(9)**

Marginal Citations

M15 1995 c. 18.

M16 2007 c. 5.

Disclosure of information to other persons

13.—^{F25}(1) The [^{F26}Secretary of State] may disclose information held for the purposes of the 1991 Act relating to one party to a maintenance calculation to another party to that calculation where, in the opinion of the [^{F26}Secretary of State], such information is essential to inform the party to whom it would be given as to—

- (a) why [^{F27}the Secretary of State] has decided not to make a maintenance calculation in response to an application made under section 4 or 7 of the 1991 Act, or an application for a revision under section 16 of that Act or a decision under section 17 of that Act superseding an earlier decision has been rejected;
- (b) why, although an application for a maintenance calculation referred to in sub-paragraph (a) has been made, that calculation cannot, at the time in question, be proceeded with;
- (c) why a maintenance calculation has ceased to have effect;
- (d) how a maintenance calculation has been calculated, in so far as the matter has not been dealt with by the notification given under [^{F28}regulation 25 of the Maintenance Calculation Regulations (notification of a maintenance calculation)];
- (e) why a decision has been made not to arrange for, or to cease, collection of any child support maintenance under section 29 of the 1991 Act;
- (f) why a particular method of enforcement under the 1991 Act of an amount due under a maintenance calculation has been adopted in a particular case; ^{F25} ...
- (g) why a decision has been made not to enforce, or to cease to enforce, under the 1991 Act the amount due under a maintenance calculation.
- ^{F29}(h) why it was decided, in relation to any arrears of child support maintenance, not to accept payment in part in satisfaction of liability for the whole under section 41D(1) of the 1991 Act; or
- (i) why it was decided not to extinguish liability in respect of arrears of child support maintenance under section 41E(1) of the 1991 Act.]

(2) For the purposes of this regulation, “party to a maintenance calculation” means—

- (a) a person who has made an application for a maintenance calculation;
- (b) a qualifying child, person with care or non-resident parent in respect of whom an application for a maintenance calculation has been made;

^{F30}(c)

- (d) the personal representative of a person mentioned in sub-paragraph (a) or (b) where—
 - (i) a revision, supersession or appeal was pending at the date of death of that person and the personal representative is dealing with that revision, supersession or appeal on behalf of that person; or
 - (ii) an application for a variation has been made but not determined at the date of death of that person and the personal representative is dealing on behalf of that person with any matters arising in connection with such an application.

(3) Any application for information under this regulation shall be made to the [^{F31}Secretary of State] in writing setting out the reasons for the application.

(4) Except where a person gives written permission to the [^{F31}Secretary of State] that the information mentioned in sub-paragraphs (a) and (b) below in relation to that person may be conveyed to other persons, any information given under the provisions of paragraph (1) shall not contain—

- (a) the address of any person other than the recipient of the information in question (other than the address of the office of the officer concerned who is exercising functions of the Commission 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.

- F25** Word in reg. 13(1) omitted (8.10.2012 for specified purposes by virtue of 2008 c. 6, ss. 32, 33 being brought into force for specified purposes on that date by S.I. 2012/2523, art. 2(2)(d), 10.12.2012 otherwise by virtue of the provisions of the 2008 Act being brought wholly into force on that date by S.I. 2012/3042, art. 4(a)) by virtue of [The Child Support Management of Payments and Arrears \(Amendment\) Regulations 2012 \(S.I. 2012/3002\)](#), regs. 1, **3(2)**
- F26** Words in reg. 13(1) 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. 116(10)(a)**
- F27** Words in reg. 13(1)(a) 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. 116(10)(a)**
- F28** Words in reg. 13(1)(d) substituted (10.12.2012 coming into force in accordance with reg. 1(4)) by [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **8(5)(a)**
- F29** Reg. 13(1)(h)-(i) inserted (8.10.2012 for specified purposes by virtue of 2008 c. 6, ss. 32, 33 being brought into force for specified purposes on that date by S.I. 2012/2523, art. 2(2)(d), 10.12.2012 otherwise by virtue of the provisions of the 2008 Act being brought wholly into force on that date by S.I. 2012/3042, art. 4(a)) by [The Child Support Management of Payments and Arrears \(Amendment\) Regulations 2012 \(S.I. 2012/3002\)](#), regs. 1, **3(3)**
- F30** Reg. 13(2)(c) omitted (28.10.2013) by virtue of [The Social Security, Child Support, Vaccine Damage and Other Payments \(Decisions and Appeals\) \(Amendment\) Regulations 2013 \(S.I. 2013/2380\)](#), regs. 1(2), **7(3)** (with reg. 8(1))
- F31** Words in reg. 13(3)(4) 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. 116(10)(b)**

[^{F32}Employment to which section 50 of the 1991 Act applies

14.—(1) For the purposes of section 50(1A) of the 1991 Act, employment as any member of a committee or sub-committee established under paragraph 11 of Schedule 1 to the Child Maintenance and Other Payments Act 2008 is prescribed as a kind of employment to which section 50(1) of that Act applies.

(2) For the purposes of section 50(1C) of the 1991 Act, the following kinds of employment are prescribed as kinds of employment to which section 50(1B) of that Act applies—

(a) the Comptroller and Auditor General;

[^{F33}(aa) a member or employee of the National Audit Office or any other person who carries out administrative work of the Office, or who provides, or is employed in the provision of, services to it;]

[^{F34}(b) any member of the staff of the National Audit Office that was established by section 3 of the National Audit Act 1983 or any other person who carried out administrative work of the Office, or who provided, or was employed in the provision of, services to it;]

(c) the Parliamentary Commissioner for Administration;

(d) the Health Service Commissioner for Wales;

- (e) the Health Service Commissioner for Scotland;
- (f) any officer of any of the Commissioners referred to in paragraphs (c) to (e) above.]

- F32** Reg. 14 substituted (6.4.2009) by [Child Support \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/396\)](#), regs. 1, **6**
- F33** Reg. 14(2)(aa) inserted (1.4.2012) by [The Budget Responsibility and National Audit Act 2011 \(Consequential Amendments\) Order 2012 \(S.I. 2012/725\)](#), arts. 1(2), **2(10)(a)**
- F34** Reg. 14(2)(b) substituted (1.4.2012) by [The Budget Responsibility and National Audit Act 2011 \(Consequential Amendments\) Order 2012 \(S.I. 2012/725\)](#), arts. 1(2), **2(10)(b)**

[^{F35}Disclosure of information to credit reference agencies

14A.—(1) The information prescribed for the purposes of section 49D(2)(c) of the 1991 Act (disclosure of information to credit reference agencies) is, in relation to the person referred to in section 49D(2)(b) of that Act—

- (a) the person’s name, last known or notified address and date of birth;
- (b) the reference number used by the Secretary of State to identify the person’s case;
- (c) the date on which any liability order in force against the person was made;
- (d) the amount in respect of which that liability order was made;
- (e) the address stated in that liability order, if different from the person’s last known or notified address;
- (f) that the amount referred to in sub-paragraph (d) has been paid and the date on which that amount was paid;
- (g) that a liability order made against the person has been set aside or quashed.

(2) The Secretary of State must send a written notice by post to the person’s last known or notified [^{F36}postal address, or by electronic communication in accordance with the Schedule,] at least twenty-one days prior to supplying the information in paragraph (1)(a) to (e) to a credit reference agency.

(3) The requirement in paragraph (2) does not apply where the person cannot be traced.

(4) The written notice must state that the Secretary of State intends to supply information in relation to the non-resident parent to a credit reference agency.]

- F35** [Reg. 14A](#) inserted (23.3.2015) by [The Child Support \(Miscellaneous and Consequential Amendments\) Regulations 2015 \(S.I. 2015/338\)](#), regs. 1(2), **7**
- F36** Words in [reg. 14A\(2\)](#) substituted (26.5.2022) by [The Child Support \(Amendments Relating to Electronic Communications and Information\) \(England and Wales and Scotland\) Regulations 2022 \(S.I. 2022/503\)](#), regs. 1(2), **11**

PART 4

MISCELLANEOUS

Revocation and saving

15.—(1) The Child Support (Information, Evidence and Disclosure) Regulations 1992 ^{M17} are revoked.

(2) The revocation of those Regulations shall not affect any request for information made before 27th October 2008 and those Regulations shall remain in force for the purposes of any proceedings under section 14A of the 1991 Act (information offences) in relation to any such request.

Marginal Citations

M17 S.I. 1992/1812.

Transitional provisions in relation to transfer of child support functions

^{F37}**16.**

F37 Reg. 16 revoked (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. 116(11)**

Signed by authority of the Secretary of State for Work and Pensions.

Department for Work and Pensions

Stephen C. Timms
Minister of State,

[^{F38}SCHEDULE

Regulation 2A

Electronic Communications

F38 Sch. inserted (26.5.2022) by [The Child Support \(Amendments Relating to Electronic Communications and Information\) \(England and Wales and Scotland\) Regulations 2022 \(S.I. 2022/503\)](#), regs. 1(2), **12**

PART 1

Use of Electronic Communications

Use of electronic communications

1.—(1) Where these Regulations require or permit a person to carry out an action referred to in sub-paragraph (2)—

- (a) that person may, if the conditions specified in paragraph 2 are met, use electronic communication to carry out the action, and
- (b) any reference to the action is to be construed as being capable of being carried out using electronic communication.

(2) The actions are—

- (a) notifying;
- (b) the disclosure of any information under regulation 13 (disclosure of information to other persons).

Conditions for the use of electronic communications

2. The conditions for the use of electronic communications are—

- (a) the electronic communication, its form, and the electronic address for the communication, have been agreed with the recipient for a purpose in paragraph 1(2);
- (b) the electronic communication is sent in the agreed form to the agreed electronic address for the agreed purpose;
- (c) the electronic communication is—
 - (i) legible, and
 - (ii) in a form sufficiently permanent to be used for subsequent reference.

Use of intermediaries

3. The Secretary of State may use intermediaries in connection with the actions referred to in paragraph 1(2).

PART 2

Evidential provisions

Proof of delivery

4.—(1) An agreed electronic communication is presumed, unless the contrary is proved, to have resulted in delivery if—

- (a) in the case that it falls to be delivered to the Secretary of State, the delivery of the agreed electronic communication is recorded on an official computer system; or
- (b) in the case that it falls to be delivered by the Secretary of State, if the despatch of the agreed electronic communication is recorded on an official computer system.

(2) An agreed electronic communication is presumed, unless the contrary is proved, not to have resulted in delivery if—

- (a) in the case that it falls to be delivered to the Secretary of State, the delivery of the agreed electronic communication is not recorded on an official computer system; or
- (b) in the case that it falls to be delivered by the Secretary of State, the despatch of that agreed electronic communication is not recorded on an official computer system.

(3) The time and date of receipt of an agreed electronic communication is presumed to be that recorded on an official computer system, unless the contrary is proved.

Proof of identity

5.—(1) The identity of the sender and the recipient of an electronic communication is presumed to be the persons whose names are recorded on an official computer system, unless the contrary is proved.

(2) An electronic communication sent on behalf of another person (“P”) is presumed to have been delivered by P unless P proves that it was delivered without P’s knowledge.

Proof of content

6. The content of an electronic communication is presumed to be that recorded on an official computer system, unless the contrary is proved.

Interpretation

7. In this Schedule—

“agreed electronic address” means an electronic address agreed in accordance with paragraph 2(a);

“agreed electronic communication” means an electronic communication agreed in accordance with paragraph 2(a);

“agreed form” means the form agreed in accordance with paragraph 2(a);

“agreed purpose” means the purpose agreed in accordance with paragraph 2(a);

“official computer system” means a computer system maintained by or on behalf of the Secretary of State for the purposes of these Regulations.]

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the furnishing of information or evidence required by the Child Maintenance and Enforcement Commission for the purpose of their functions under the Child Support Act 1991 (“the 1991 Act”). They also provide for the disclosure by the Commission of information held for the purpose of the 1991 Act. These Regulations replace the Child Support (Information, Evidence and Disclosure) Regulations 1992.

Part 2 relates to the duty to furnish information or evidence:

Regulations 3 to 6 impose a duty to furnish information required by the Commission on the applicant, on other persons (including the non-resident parent and a person alleged to be a non-resident parent) and on the courts. Regulation 7 deals with the obligation of persons from whom information is requested. Regulation 8 requires a request under regulations 3 to 6 to contain a warning as to the consequences of failure to comply.

Regulations 9 and 10 impose obligations to report matters to the Commission. Regulation 9 requires persons liable to pay child support maintenance to notify a change of address. Regulation 10 requires persons with care to inform the Commission where they believe that the maintenance calculation has ceased to have effect.

Regulation 11 gives inspectors appointed under the 1991 Act a right of entry to Crown premises.

Part 3 deals with disclosure of information:

Regulation 12 provides for disclosure of information by the Commission to a court or tribunal and regulation 13 provides for disclosure of information to the parties to a maintenance calculation.

Regulation 14 extends the application of section 50 of the 1991 Act, which creates an offence for unauthorised disclosure of information, to the employments listed in that regulation.

Part 4 contains miscellaneous provisions.

Regulation 15 revokes the Child Support (Information, Evidence and Disclosure) Regulations 1992 with a saving provision in relation to outstanding requests for information.

Regulation 16 is a transitional provision which enables references to the Commission to be read as references to the Secretary of State pending the transfer of child support functions to the Commission.

An assessment of the impact of these Regulations on the private and voluntary sectors has been made. Copies of this impact assessment are available in the libraries of both Houses of Parliament. Copies may also be obtained from the Better Regulation Unit of the Department for Work and Pensions, level 4, The Adelphi, 1-11 John Adam Street, London WC2N 6HT, or from the DWP website: <http://www.dwp.gov.uk/resourcecentre/ria.asp>.

Changes to legislation:

There are currently no known outstanding effects for the The Child Support Information Regulations 2008.