
STATUTORY INSTRUMENTS

2008 No. 2551

The Child Support Information Regulations 2008

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 [^{F1}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 [^{F1}Secretary of State] requires for any of the purposes, except enabling the non-resident parent to be identified, set out in paragraph (1).

F1 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 [^{F2}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 ^{M1};
- (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 ^{M2}, sections 97 to 99A of the Road Traffic Act 1988 ^{M3} or Part II of the Vehicle Excise and Registration Act 1994 ^{M4}; or
 - (ii) under the Prison Act 1952 ^{M5}, the Prison Act (Northern Ireland) 1953 ^{M6} or the Prisons (Scotland) Act 1989 ^{M7};
- (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 ^{M8}, distributes or supplies electricity;
- (k) a person who is the holder of a licence under section 7 of the Gas Act 1986 ^{M9} to convey gas through pipes or the holder of a licence under section 7A(1) of that Act to supply gas through pipes.
- [^{F3}(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;]
- [^{F3}(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;]
- [^{F3}(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);]
- [^{F3}(kd) a proprietor of an Academy, where “proprietor” and “Academy” have the same meaning as in section 579 of the Education Act 1996;]
- [^{F4}(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 [^{F5}, or personal,] pension scheme (within the meaning of section 1(1) of the Pension Schemes Act 1993).]
- [^{F6}(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.
- [^{F7}(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.]

- F2** 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)**
- F3** 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)**
- F4** 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**
- F5** 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)**
- F6** 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)**
- F7** 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

M1 1974 c. 39.

M2 S.I. 1981/154 (N.I. 1).

M3 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).

M4 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).

M5 1952 c. 52.

M6 1953 c. 18.

M7 1989 c. 45.

M8 1989 c. 29.

M9 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 [F8Secretary of State] has jurisdiction under section 44 to make a maintenance calculation.

F8 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 [F9Secretary 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;

[F10(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^{M10} (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^{M11} or a decree of declarator under section 7 of that Act in relation to a qualifying child.

F9 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)**

F10 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

M10 1989 c. 41.

M11 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.

^{F11}(3)

F11 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)**

[^{F12}Secretary of State] to warn of consequences of failing to provide information or providing false information

8. A request by the [^{F12}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^{M12} for failing to provide, or providing false, information.

F12 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

M12 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 [^{F13}Secretary of State] of their new address within 7 days of the change.

F13 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)**

[^{F14}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 [^{F15}£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.]

F14 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)**

F15 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 [^{F16}Secretary of State] of that belief, and of the reasons for it, and must provide such other information as the [^{F16}Secretary of State] may reasonably require, with a view to assisting the [^{F16}Secretary of State] in determining whether the calculation has ceased to have effect.

F16 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.

Changes to legislation:

There are currently no known outstanding effects for the The Child Support Information Regulations 2008, PART 2.