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STATUTORY INSTRUMENTS

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**2008 No. 2551**

**The Child Support Information Regulations 2008**

**PART 3**

**DISCLOSURE OF INFORMATION**

**Disclosure of information to a court or tribunal**

**12.**—(1) The Commission 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 an appeal 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(1) or Part 1 of the Welfare Reform Act 2007(2).

(2) For the purposes of this regulation “proceedings” includes the determination of an application referred to an appeal tribunal under section 28D(1)(b) of the 1991 Act.

(3) The Commission 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.

**Disclosure of information to other persons**

**13.**—(1) The Commission 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 Commission, such information is essential to inform the party to whom it would be given as to—

- (a) why it 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;

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(1) 1995 c. 18.  
(2) 2007 c. 5.

- (d) how a maintenance calculation has been calculated, in so far as the matter has not been dealt with by the notification given under regulation 23 of the Maintenance Calculation Procedure Regulations;
  - (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; or
  - (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.
- (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;
  - (c) a person appointed under regulation 34 of the Social Security and Child Support (Decisions and Appeals) Regulations 1999<sup>(3)</sup> (death of party to an appeal);
  - (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 Commission in writing setting out the reasons for the application.
- (4) Except where a person gives written permission to the Commission 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.

### **Employment to which section 50 of the 1991 Act applies**

**14.** Section 50 of the 1991 Act (unauthorised disclosure of information) applies to the following kinds of employment, in addition to those specified in subsection (5) of that section—

- (a) the Comptroller and Auditor General;
- (b) any member of staff of the National Audit Office or any other person who carries out administrative work of that Office, or who provides or is 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;

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(3) [S.I. 1999/991](#).

(f) any officer of any of the Commissioners referred to in paragraphs (c) to (e) above.