**1992 No. 339**

**FAMILY LAW**

**CHILD SUPPORT**

# The Child Support (Information, Evidence and Disclosure) Regulations (Northern Ireland) 1992

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| *Made* . . . . . | *30th July 1992* |
| *Coming into operation* . . | *5th April 1993* |

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The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 7(4), 9(9), 16(1) and (3), 46(5), 47 and 50 of, and

paragraph 16(10) of Schedule 1 to and paragraph 4 of Schedule 2 to, the Child Support (Northern Ireland) Order 1991(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

## PART I

## GENERAL

*Citation, commencement and interpretation*

**1.**—(1) These regulations may be cited as the Child Support (Information, Evidence and Disclosure) Regulations (Northern Ireland) 1992 and shall come into operation on 5th April 1993.

(2) In these regulations—

"the Order" means the Child Support (Northern Ireland) Order 1991;

"appropriate authority" means the Northern Ireland Housing Executive or the Department of the Environment, as the case may be;

"Health and Social Services Board" means a Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(**b**);

"Maintenance Assessments and Special Cases Regulations" means the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992(**c**);

"Maintenance Assessment Procedure Regulations" means the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992(**d**);

"parent with care" means a person who, in respect of the same child or children, is both a parent and a person with care;

"related proceedings" means proceedings in which a relevant court order was or is being sought;

"relevant court order" means—

(*a*) an order as to periodical or capital provision or as to variation of property rights made under a statutory provision specified in paragraphs (*a*) to (*d*) of Article 10(11) of the Order or prescribed under Article 10(11)(*e*) of the Order in relation to a qualifying child or a relevant person; or

(*b*) in relation to a qualifying child, an order in respect of custody, care and control or access made under—

(i) the Guardianship of Infants Act 1886(**e**), the Summary Jurisdiction (Separation and Maintenance) Act (Northern Ireland) 1945(**f**), the Matrimonial Causes (Northern Ireland)

(a) S.I. 1991/2628 (N.I. 23)
(b) S.I. 1972/1265 (N.I. 14)
(c) S.R. 1992 No. 341
(d) S.R. 1992 No. 340
(e) 1886 c. 27
(f) 1945 c. 14; the whole Act was repealed by Schedule 4 to the Domestic Proceedings (Northern Ireland) Order 1980 (S.I. 1980/563 (N.I. 5)) subject to the savings specified in Article 42 of, and Schedule 2 to, that Order

Order 1978(**a**) or the Domestic Proceedings (Northern Ireland) Order 1980(**b**), or

(ii) the High Court's inherent jurisdiction with respect to children;

"relevant person" means—

(*a*) a person with care;

(*b*) an absent parent;

(*c*) a parent who is treated as an absent parent under regulation 20 of the Maintenance Assessments and Special Cases Regulations,

in respect of whom a maintenance assessment has been applied for or is or has been in force.

## PART II

## FURNISHING OF INFORMATION OR EVIDENCE

*Persons under a duty to furnish information or evidence*

**2.**—(1) Where an application for a maintenance assessment has been made under the Order, a person falling within a category listed in paragraph (2) shall, subject to the restrictions specified in that paragraph, furnish such information or evidence as is required by the Department and which is needed to enable a determination to be made in relation to one or more of the matters listed in regulation 3(1), and the person concerned has that information or evidence in his possession or can reasonably be expected to acquire that information or evidence.

(2) The persons who may be required to furnish information or evidence, and the matter or matters with respect to which such information or evidence may be required, are as follows—

(*a*) the relevant persons, with respect to the matters listed in regulation 3(1);

(*b*) a person who is alleged to be a parent of a child with respect to whom an application for a maintenance assessment has been made who denies that he is one of that child's parents, with respect to the matters listed in sub-paragraphs (*b*) and (*d*) of regulation 3(1);

(*c*) the current or recent employer of the absent parent or the parent with care in relation to whom an application for a maintenance assessment has been made, with respect to the matters listed in sub-paragraphs (*d*), (*e*), (*f*), (*h*) and (*j*) of regulation 3(1);

(*d*) the Health and Social Services Board in whose area a person falling within a category listed in sub-paragraphs (*a*) and (*b*) resides or has resided, with respect to the matter listed in sub-paragraph (*a*) of regulation 3(1);

(*e*) a person specified in paragraph (3), in any case where, in relation to the qualifying child or qualifying children or the absent parent—

(**a**) S.I. 1978/1045 (N.I. 15)
(**b**) S.I. 1980/563 (N.I. 5)

(i) there is or has been a relevant court order, or

(ii) there have been, or are pending, related proceedings before a court,

with respect to the matters listed in sub-paragraphs (*g*), (*h*) and (*k*) of regulation 3(1).

(3) The persons who may be required to furnish information or evidence in relation to a relevant court order or related proceedings under the provisions of paragraph (2)(*e*) are—

(*a*) in relation to the High Court, the Master (Probate and Matrimonial) or the Master (Care and Protection);

(*b*) in relation to a county court, the chief clerk;

(*c*) in relation to a court of summary jurisdiction, the clerk of petty sessions.

*Purposes for which information or evidence may be required*

**3.**—(1) The Department may require information or evidence under the provisions of regulation 2 only if that information or evidence is needed to enable—

(*a*) a decision to be made as to whether, in relation to an application for a maintenance assessment, there exists a qualifying child, an absent parent and a person with care;

(*b*) a decision to be made as to whether a child support officer has jurisdiction to make a maintenance assessment under Article 41 of the Order;

(*c*) a decision to be made, where more than one application has been made, as to which application is to be proceeded with;

(*d*) an absent parent to be identified;

(*e*) an absent parent to be traced;

(*f*) the amount of child support maintenance payable by an absent parent to be assessed;

(*g*) the amount payable under a relevant court order to be ascertained;

(*h*) the amounts specified in sub-paragraphs (*f*) and (*g*) to be recovered from an absent parent;

(*i*) the amount of interest payable with respect to arrears of child support maintenance to be determined;

(*j*) the amount specified in sub-paragraph (*i*) to be recovered from an absent parent;

(*k*) any related proceedings to be identified.

(2) The information or evidence to be furnished in accordance with regulation 2 may in particular include information and evidence as to—

(*a*) the habitual residence of the person with care, the absent parent and any child in respect of whom an application for a maintenance assessment has been made;