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A Butcher

[request-16622-
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Ref: VTR 1870

Date: 8 October 2009

Dear A Butcher,

Re: Internal Review – VTR 1572

Thank you for your e-mail dated 10 September 2009, requesting a review of our handling of your request for information under the terms of the Freedom of Information Act 2000 (FOIA).

I have completed an internal review and I am in a position to inform you of the outcome. I can confirm that I was not connected with the consideration of your original request.

I uphold the response issued to you on 8 September 2009. The FOIA provides for a general right of access to recorded information held by public authorities and does not extend to information about the law or for the provision of legal advice.

I can however provide you with some additional information to that provided to you in our previous response.

In certain situations, for example where the non-resident parent resides abroad but works for a UK-based company or is a member of the overseas civil service or HM Forces, the Commission retains the jurisdiction to collect ongoing child maintenance payments. These conditions are set out at section 44 of the Child Support Act 1991.

In other situations where the non-resident parent moves abroad, the Commission does not have the jurisdiction to pursue ongoing child maintenance payments, but it does have the power to pursue any arrears owed. While it will vary from case to case, on some occasions the Commission may be able to take enforcement action in respect of any assets in the UK belonging to the non-resident parent, such as imposing a charging order against any property in the UK. The Child Support (Collection and Enforcement) Regulations 1992 are applicable in respect of child maintenance arrears owed and are not dependant on the non-resident parent continuing to reside in the UK.

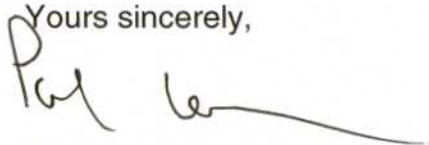
You can access the exact wording of the relevant child support legislation through this link:

<http://www.dwp.gov.uk/publications/specialist-guides/aw-volumes/te-law-relating-to-child-support/>.

Section 21 of the FOIA provides an exemption to the requirement on public bodies to provide information, where that information that is readily accessible within the public domain.

I hope you find the additional information I provided you with helpful and I'm sorry on this occasion I could not be more of more assistance.

Yours sincerely,



Paul Lehmann
Head of Corporate Communications and External Relations
Child Maintenance and Enforcement Commission

Your right to complain under the Freedom of Information Act

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF www.ico.gov.uk