

Status: This version of this provision is prospective.

Changes to legislation: *Tribunals, Courts and Enforcement Act 2007, Section 92 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*



Tribunals, Courts and Enforcement Act 2007

2007 CHAPTER 15

PART 4

ENFORCEMENT OF JUDGMENTS AND ORDERS

Attachment of earnings orders

PROSPECTIVE

92 Attachment of earnings orders: finding the debtor's current employer

(1) After section 15 of the Attachment of Earnings Act 1971 insert—

“15A Finding the debtor's current employer

- (1) If an attachment of earnings order lapses under section 9(4), the proper authority may request the Commissioners—
 - (a) to disclose whether it appears to the Commissioners that the debtor has a current employer, and
 - (b) if it appears to the Commissioners that the debtor has a current employer, to disclose the name and address of that employer.
- (2) The proper authority may make a request under subsection (1) only for the purpose of enabling the lapsed order to be directed to the debtor's current employer.
- (3) The proper authority may not make a request under subsection (1) unless regulations under section 15B(5) and (8) are in force.

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- (4) The proper authority may disclose such information (including information identifying the debtor) as it considers necessary to assist the Commissioners to comply with a request under subsection (1).
- (5) The Commissioners may disclose to the proper authority any information (whether held by the Commissioners or on their behalf) that the Commissioners consider is necessary to comply with a request under subsection (1).
- (6) A disclosure under subsection (4) or (5) is not to be taken to breach any restriction on the disclosure of information (however imposed).
- (7) Nothing in this section is to be taken to prejudice any power to request or disclose information that exists apart from this section.
- (8) The reference in subsection (5) to information held on behalf of the Commissioners includes a reference to any information which—
 - (a) is held by a person who provides services to the Commissioners, and
 - (b) is held by that person in connection with the provision of those services.

15B Offence of unauthorised use or disclosure

- (1) This section applies if the Commissioners make a disclosure of information (“debtor information”) under section 15A(5).
- (2) A person to whom the debtor information is disclosed commits an offence if—
 - (a) he uses or discloses the debtor information, and
 - (b) the use or disclosure is not authorised by subsection (3), (5), (6) or (7).
- (3) The use or disclosure of the debtor information is authorised if it is—
 - (a) for a purpose connected with the enforcement of the lapsed order (including the direction of the order to the debtor's current employer), and
 - (b) with the consent of the Commissioners.
- (4) Consent for the purposes of subsection (3) may be given—
 - (a) in relation to particular use or a particular disclosure, or
 - (b) in relation to use, or a disclosure made, in such circumstances as may be specified or described in the consent.
- (5) The use or disclosure of the debtor information is authorised if it is—
 - (a) in accordance with an enactment or an order of court, or
 - (b) for the purposes of any proceedings before a court,
 and it is in accordance with regulations.
- (6) The use or disclosure of the debtor information is authorised if the information has previously been lawfully disclosed to the public.
- (7) The use or disclosure of the debtor information is authorised if it is in accordance with rules of court that comply with regulations under subsection (8).

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- (8) Regulations may make provision about the circumstances, if any, in which rules of court may allow any of the following—
 - (a) access to, or the supply of, debtor information;
 - (b) access to, or the supply of copies of, any attachment of earnings order which has been directed to an employer using debtor information.
- (9) It is a defence for a person charged with an offence under subsection (2) to prove that he reasonably believed that the disclosure was lawful.
- (10) A person guilty of an offence under subsection (2) is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine, or to both;
 - (b) on summary conviction, to imprisonment for a term not exceeding twelve months, to a fine not exceeding the statutory maximum, or to both.

15C Regulations

- (1) It is for the Lord Chancellor to make regulations under section 15B.
- (2) But the Lord Chancellor may make regulations under section 15B only with the agreement of the Commissioners.
- (3) Regulations under section 15B are to be made by statutory instrument.
- (4) A statutory instrument containing regulations under section 15B may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

15D Interpretation

- (1) For the purposes of sections 15A to 15C (and this section)—
 - “the Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs;
 - “information” means information held in any form;
 - “the lapsed order” means the attachment of earnings order referred to in section 15A(1);
 - “the proper authority” is determined in accordance with subsections (2) to (5).
- (2) If the lapsed order was made by the High Court, the proper authority is the High Court.
- (3) If the lapsed order was made by [^{F1}the county court], the proper authority is [^{F1}the county court].
- (4) If the lapsed order was made by a magistrates’ court under this Act, the proper authority is—
 - (a) a magistrates’ court, or
 - (b) the designated officer for a magistrates’ court.
- (5) If the lapsed order was made by a magistrates’ court or a fines officer under Schedule 5 to the Courts Act 2003, the proper authority is—

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- (a) a magistrates' court, or
- (b) a fines officer.”

(2) This section applies in relation to any attachment of earnings order, whether made before or after the commencement of this section.

(3) In relation to an offence committed before [^{F2}2 May 2022], the reference in section 15B(10)(b) of the Attachment of Earnings Act 1971 (c. 32) to 12 months is to be read as a reference to 6 months.

Textual Amendments

- F1** Words in s. 92(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F2** Words in s. 92(3) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), [Sch. Pt. 1](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(8)(bza) inserted by [2022 c. 36 s. 23\(2\)](#)
- s. 13(8)(bzb) inserted by [2022 c. 36 s. 24\(9\)](#)
- s. 16(3)(a) word inserted by [2015 c. 2 s. 85\(3\)\(a\)](#)
- s. 16(3)(b) and word inserted by [2015 c. 2 s. 85\(3\)\(b\)](#)
- s. 16(3A)(3B) inserted by [2015 c. 2 s. 85\(4\)](#)
- s. 22(6) inserted by [2022 c. 35 Sch. 4 para. 4\(2\)](#)
- s. 23(8) inserted by [2022 c. 35 Sch. 4 para. 4\(3\)](#)
- s. 25A inserted by [2022 c. 36 s. 80\(1\)](#)
- s. 29(3A) inserted by [2022 c. 36 s. 81\(6\)](#)
- Sch. 5 para. 11A and cross-heading inserted by [2022 c. 36 s. 80\(2\)](#)
- Sch. 7 para. 6(1)(e) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)
- Sch. 7 para. 6(4)(b) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)