



Crime and Courts Act 2013

2013 CHAPTER 22

PART 2

COURTS AND JUSTICE

Administration of justice

27 Disclosure of information to facilitate collection of fines and other sums

- (1) Schedule 5 to the Courts Act 2003 (collection of fines and other sums) is amended as follows.
- (2) Paragraphs 9A to 10 (disclosure of information by Secretary of State to court officer to help court decide whether to apply for benefit deductions etc) become Part 3A of the Schedule.
- (3) Accordingly, after paragraph 9 insert—
“PART 3A

DISCLOSURE OF INFORMATION, AND MEANING OF “RELEVANT BENEFIT” ETC”.

- (4) In the heading before paragraph 9A, after “Disclosure of information in connection with” insert “making of attachment of earnings order or”.
- (5) For paragraph 9A (power of Secretary of State to disclose information to help court decide whether to apply for benefit deductions) substitute—
“9A (1) The Secretary of State or a Northern Ireland department, or a person providing services to the Secretary of State or a Northern Ireland department, may disclose social security information to a relevant person.
(1A) Her Majesty’s Revenue and Customs, or a person providing services to the Commissioners for Her Majesty’s Revenue and Customs, may disclose finances information to a relevant person.

Status: This is the original version (as it was originally enacted).

(1B) The disclosure authorised by sub-paragraph (1) or (1A) is disclosure of the information concerned for the purpose of facilitating the making, by the relevant court or a fines officer, of any of the following—

- (a) a decision as to whether to make an attachment of earnings order in respect of P,
- (b) a decision as to whether to make an application for benefit deductions in respect of P, and
- (c) such an order or application.

(2) In this paragraph—

“finances information” means information which—

- (a) is about a person’s income, gains or capital, and
- (b) is held—
 - (i) by Her Majesty’s Revenue and Customs, or
 - (ii) by a person providing services to the Commissioners for Her Majesty’s Revenue and Customs in connection with the provision of those services,

or information which is held with information so held;

“social security information” means information which is held for the purposes of functions relating to social security—

- (a) by the Secretary of State or a Northern Ireland Department, or
- (b) by a person providing services to the Secretary of State, or a Northern Ireland Department, in connection with the provision of those services,

or information which is held with information so held.

(2A) The reference in sub-paragraph (2) to functions relating to social security includes a reference to functions relating to any of the matters listed in section 127(8) of the Welfare Reform Act 2012 (statutory payments and maternity allowances).

(3) In this paragraph “relevant person” means a person who is appointed by the Lord Chancellor under section 2(1) or provided under a contract made by virtue of section 2(4).”

(6) In paragraph 9B(1) (limits on onward disclosure)—

- (a) for “9A(3)” substitute “9A”, and
- (b) for the words after “making” substitute “, by the relevant court or a fines officer, of such a decision, order or application as is mentioned in paragraph 9A(1B).”

(7) In paragraph 9B(2)(b) (use of information otherwise than in connection with decision mentioned in sub-paragraph (1)) for “as is mentioned in that sub-paragraph” substitute “, order or application as is mentioned in paragraph 9A(1B)”.

(8) In paragraph 9B(3) (disclosures that are not unlawful)—

- (a) in paragraph (a) (disclosure in accordance with order of a court etc) after “order of a court” insert “or of a tribunal established by or under an Act”, and

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- (b) in paragraph (b) (disclosure of information previously lawfully disclosed) after “disclose” insert “or use—
 - (i) any information which is in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it, or
 - (ii)”.
- (9) In paragraph 9B(5) (offence of wrongful use or disclosure of disclosed information punishable on summary conviction by a fine not exceeding level 4) for the words from “liable” to the end substitute “liable—
 - (a) on conviction on indictment—
 - (i) to imprisonment for a term not exceeding 2 years, or
 - (ii) to a fine, or
 - (iii) to both;
 - (b) on summary conviction—
 - (i) to imprisonment for a term not exceeding 12 months, or
 - (ii) to a fine not exceeding the statutory maximum, or
 - (iii) to both.”
- (10) In paragraph 9B after sub-paragraph (5) insert—
 - “(6) Sub-paragraph (5)(b) applies in relation to offences committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on power of magistrates’ courts to impose imprisonment) as if the reference to 12 months were a reference to 6 months.
 - (7) A prosecution for an offence under sub-paragraph (2) may be instituted only by or with the consent of the Director of Public Prosecutions.”
- (11) Omit paragraph 9C(2) and (4) (meaning of “benefit status” and “prescribed”).
- (12) In paragraph 9C (interpretation etc of paragraphs 9A and 9B)—
 - (a) in sub-paragraph (1) for “This paragraph applies” substitute “Sub-paragraphs (3) and (3A) apply”, and
 - (b) after sub-paragraph (3) insert—
 - “(3A) Relevant court” has the same meaning as in Part 3 of this Schedule.
 - (3B) In paragraphs 9A and 10 (as in the provisions of this Schedule which extend to England and Wales only)—
 - “fines officer” has the meaning given by section 36;
 - “P” has the meaning given by paragraph 1.”
- (13) Paragraphs 9A, 9C and 10, as amended by the preceding provisions of this section, extend to Scotland and Northern Ireland (as well as to England and Wales).
- (14) Accordingly, in section 111(1) of the Courts Act 2003 (subject to subsections (2) and (3), Act extends to England and Wales only) after “(3)” insert “and to section 27(13) of the Crime and Courts Act 2013 (extent of paragraphs 9A, 9C and 10 of Schedule 5)”.