



# Crime and Courts Act 2013

## 2013 CHAPTER 22

### PART 2

#### COURTS AND JUSTICE

##### *Administration of justice*

#### **28 Disclosure of information for calculating fees of courts, tribunals etc**

- (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 who wants social security information in connection with deciding a fee-remission application.
- (2) Her Majesty's Revenue and Customs, or a person providing services to the Commissioners for Her Majesty's Revenue and Customs, may disclose tax credit information or finances information to a relevant person who wants tax credit information or finances information in connection with deciding a fee-remission application.
- (3) Information disclosed to a relevant person under subsection (1) or (2)—
  - (a) must not be further disclosed, except to another relevant person who wants social security information, tax credit information or finances information in connection with deciding a fee-remission application, and
  - (b) must not be used otherwise than in connection with deciding a fee-remission application.
- (4) Subsection (3) does not prohibit—
  - (a) disclosure or use of 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;
  - (b) disclosure or use of information which has previously been disclosed to the public with lawful authority;
  - (c) disclosure or use of information so far as necessary to comply with—

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*Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Section 28. (See end of Document for details)*

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- (i) an order of a court,
  - (ii) an order of a tribunal established by or under an Act, or
  - (iii) a duty imposed by or under an Act or Northern Ireland legislation.
- (5) It is an offence for a person to disclose or use information in contravention of subsection (3).
- (6) It is a defence for a person charged with an offence under subsection (5) to prove that the person reasonably believed that the disclosure or use concerned was lawful.
- (7) A person guilty of an offence under subsection (5) is 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 period not exceeding 12 months, or
    - (ii) to a fine not exceeding the statutory maximum, or
    - (iii) to both.
- [<sup>F1</sup>(7A) In the application of this section in England and Wales, the reference in subsection (7)(b)(i) to 12 months is to be read as a reference to the general limit in a magistrates' court (or to 6 months in relation to an offence committed before 2 May 2022).]
- (8) Subsection (7)(b) applies—
  - <sup>F2</sup>(a) .....
  - (b) in Northern Ireland,
 as if the reference to 12 months were a reference to 6 months.
- (9) A prosecution for an offence under subsection (5)—
  - (a) may be instituted in England and Wales only by or with the consent of the Director of Public Prosecutions, and
  - (b) may be instituted in Northern Ireland only by or with the consent of the Director of Public Prosecutions for Northern Ireland.
- (10) In this section—
  - “fee-remission application” means an application for any relief available to recipients of a social security benefit, or tax credit, from fees under any of—
    - (a) section 92 of the Courts Act 2003 (court fees),
    - (b) section 52 of the Constitutional Reform Act 2005 (Supreme Court fees),
    - (c) section 54 of the Mental Capacity Act 2005 (Court of Protection fees),
    - (d) section 58 of that Act (Public Guardian fees),
    - (e) section 42 of the Tribunals, Courts and Enforcement Act 2007 (tribunal fees),
    - (f) paragraph 9 of Schedule 12 to the Commonhold and Leasehold Reform Act 2002 (leasehold valuation tribunal fees),
    - (g) paragraph 11 of Schedule 13 to the Housing Act 2004 (residential property tribunal fees), and
    - (h) section 7 of the Gender Recognition Act 2004 (Gender Recognition Panel fees);
  - “finances information” means information which—

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- (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;
- “relevant person” means—
- (a) the Lord Chancellor,
  - (b) the Secretary of State,
  - (c) a person providing services to the Lord Chancellor or to the Secretary of State,
  - (d) any of the officers or staff of the Supreme Court, or
  - (e) any of the officers or staff of, or a person providing services to, the Public Guardian appointed for the purposes of the Mental Capacity Act 2005;
- “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;
- “tax credit information” means information as to whether a person has been awarded child tax credit or working tax credit which is held—
- (a) by Her Majesty's Revenue and Customs, or
  - (b) by a person providing services to the Commissioners for Her Majesty's Revenue and Customs, in connection with the provision of those services.

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#### **Textual Amendments**

- F1** S. 28(7A) inserted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), **27(2)**
- F2** S. 28(8)(a) omitted (7.2.2023 at 12.00 p.m.) by virtue of [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), **27(3)**

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#### **Commencement Information**

- I1** S. 28 in force at 22.4.2014 by [S.I. 2014/954](#), **art. 2(b)** (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

**Changes to legislation:**

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