

2008 No. 3242

MAGISTRATES' COURTS, ENGLAND AND WALES

The Fines Collection (Disclosure of Information) (Prescribed Benefits) Regulations 2008

<i>Made</i>	- - - -	<i>16th December 2008</i>
<i>Laid before Parliament</i>		<i>18th December 2008</i>
<i>Coming into force</i>	- -	<i>12th January 2009</i>

The Lord Chancellor, in exercise of the powers conferred by paragraph 9C(a) of Schedule 5 to the Courts Act 2003(b), makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Fines Collection (Disclosure of Information) (Prescribed Benefits) Regulations 2008 and shall come into force on 12 January 2009.

(2) In these Regulations —

“contribution-based jobseeker’s allowance”, except in a case to which paragraph (b) of the definition of income-based jobseeker’s allowance applies, means a contribution-based jobseeker’s allowance under Part I of the Jobseekers Act 1995(c), but does not include any back to work bonus under section 26 of the Jobseekers Act 1995(d) which is paid as jobseeker’s allowance;

“income-based jobseeker’s allowance” means —

- (a) an income-based jobseeker’s allowance under Part I of the Jobseekers Act 1995; and
- (b) in a case where, if there was no entitlement to contribution-based jobseeker’s allowance, there would be entitlement to income-based jobseeker’s allowance at the same rate, contribution-based jobseeker’s allowance,
but does not include any back to work bonus under section 26 of the Jobseekers Act 1995 which is paid as jobseeker’s allowance;

“income-related employment and support allowance” means —

- (a) an income-related allowance under Part 1 of the Welfare Reform Act 2007(e); and
- (b) in a case where, if there was no entitlement to contributory employment and support allowance, there would be entitlement to income-related employment and support allowance at the same rate, contributory employment and support allowance;

(a) 2003 c.39. Paragraphs 9A to 9C of Schedule 5 were inserted by section 41 of the Criminal Justice and Immigration Act 2008 (c.4).
(b) Schedule 5 was amended by the Collection of Fines (Final Scheme) Order 2006 (S.I. 2006/1737) and the Fines Collection Regulations 2006 (S.I. 2006/ 501).
(c) 1995 c.18.
(d) Section 26(3) was amended by section 722 of, and Part 2, paragraphs 228 and 230 of Schedule 6 to, the Income Tax (Earnings and Pensions) Act 2003 (c.1).
(e) 2007 c.5.

“income support” means income support under Part VII of the Social Security Contributions and Benefits Act 1992(a), but does not include any back to work bonus under section 26 of the Jobseekers Act 1995 which is paid as income support; and

“state pension credit” means the benefit of that name payable under State Pension Credit Act 2002(b).

Prescribed benefits

2. The benefits prescribed for the purposes of paragraphs 9A to 9C of Schedule 5 to the Courts Act 2003 (disclosure of information in connection with application for benefit deductions) are —

- (a) contribution-based jobseeker’s allowance;
- (b) income-based jobseeker’s allowance;
- (c) income-related employment and support allowance;
- (d) income support; and
- (e) state pension credit.

Signed by authority of the Lord Chancellor

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

16th December 2008

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations define a “prescribed benefit” for the purposes of paragraph 9C of Schedule 5 to the Courts Act 2003.

Paragraphs 9A to 9C of Schedule 5 to the Courts Act 2003, which were inserted by section 41 of the Criminal Justice and Immigration Act 2008, permit the Secretary of State, in response to an information request from a designated officer in a magistrates’ court, to disclose details of, among other things, whether a person is in receipt of a prescribed benefit, in order to assist a court in deciding whether to make an application for benefit deductions.

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- (a) 1992 c.4.
 - (b) 2002 c.16.

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