



Domestic Violence, Crime and Victims Act 2004

2004 CHAPTER 28

PART 2

CRIMINAL JUSTICE

Miscellaneous

27 Powers of authorised officers executing warrants

(1) After section 125B of the Magistrates' Courts Act 1980 (c. 43) insert—

“125BA Powers of persons authorised under section 125A or 125B

Schedule 4A to this Act, which confers powers on persons authorised under section 125A or 125B for the purpose of executing warrants for the enforcement of fines and other orders, shall have effect.”

(2) After Schedule 4 to that Act insert the Schedule set out in Schedule 4 to this Act.

28 Disclosure orders for purpose of executing warrants

After section 125C of the Magistrates' Courts Act 1980 insert—

“125CA Power to make disclosure order

- (1) A magistrates' court may make a disclosure order if satisfied that it is necessary to do so for the purpose of executing a warrant to which this section applies.
- (2) This section applies to a warrant of arrest, commitment, detention or distress issued by a justice of the peace in connection with the enforcement of a fine or other order imposed or made on conviction.

Changes to legislation: Domestic Violence, Crime and Victims Act 2004, Cross Heading: Miscellaneous 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

- (3) A disclosure order is an order requiring the person to whom it is directed to supply the designated officer for the court with any of the following information about the person to whom the warrant relates—
 - (a) his name, date of birth or national insurance number;
 - (b) his address (or any of his addresses).
- (4) A disclosure order may be made only on the application of a person entitled to execute the warrant.
- (5) This section applies to the Crown as it applies to other persons.

125CB Use of information supplied under disclosure order

- (1) Information supplied to a person under a disclosure order, or under this subsection, may be supplied by him to—
 - (a) the applicant for the order or any other person entitled to execute the warrant concerned;
 - (b) any employee of a body or person who, for the purposes of section 125B above, is an approved enforcement agency in relation to the warrant;
 - (c) any justices' clerk or other person appointed under section 2(1) of the Courts Act 2003.
- (2) A person who intentionally or recklessly—
 - (a) discloses information supplied under a disclosure order otherwise than as permitted by subsection (1) above, or
 - (b) uses information so supplied otherwise than for the purpose of facilitating the execution of the warrant concerned,
 commits an offence.
- (3) But it is not an offence under subsection (2) above—
 - (a) to disclose any information in accordance with any enactment or order of a court or for the purposes of any proceedings before a court; or
 - (b) to disclose any information which has previously been lawfully disclosed to the public.
- (4) A person guilty of an offence under subsection (2) above is liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (5) In this section “disclosure order” has the meaning given by section 125CA(3) above.”

29 Procedure on breach of community penalty etc

Schedule 5 (procedure on breach of community penalty etc) has effect.

30 Prosecution appeals

- (1) In section 58(13) of the Criminal Justice Act 2003 (c. 44) (which defines “applicable time”), for “start of the judge's” substitute “time when the judge starts his”.

Changes to legislation: Domestic Violence, Crime and Victims Act 2004, Cross Heading: Miscellaneous 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

(2) After section 58(13) of that Act insert—

“(14) The reference in subsection (13) to the time when the judge starts his summing-up to the jury includes the time when the judge would start his summing-up to the jury but for the making of an order under Part 7.”

F131 Intermittent custody

.....

Textual Amendments

F1 S. 31 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 10 para. 40\(2\)](#); S.I. 2012/2906, art. 2(h)

Changes to legislation:

Domestic Violence, Crime and Victims Act 2004, Cross Heading: Miscellaneous 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.

[View outstanding changes](#)

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):

- Sch. 9 para. 26A inserted by [2015 c. 2 Sch. 3 para. 12](#)