

CRIME AND COURTS ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Courts and Justice

Schedule 16: Dealing non-custodially with offenders

Part 7: Information to enable a court to deal with an offender

528. *Part 7* creates a new data sharing gateway to enable the Secretary of State (in practice the Department for Work and Pensions) and a Northern Ireland Department and Her Majesty's Revenue and Customs ("HMRC") to share social security information and finances information on defendants with Her Majesty's Courts and Tribunals Service ("HMCTS") and the Service Prosecuting Authority ("the SPA") for service court proceedings.
529. *Paragraph 29(9)* defines terms used in *paragraph 29*, including "finances information" and "social security information". "Finances information" is certain information about a defendant's income, gains or capital and "social security information" is certain information which is held for the purposes of functions relating to social security. *Paragraph 29* refers to a Northern Ireland Department to ensure that social security information on Northern Ireland residents held on the DWP's database can be shared with HMCTS and the SPA.
530. *Paragraph 29(1) and (2)* enable the Secretary of State, a Northern Ireland Department and HMRC to share social security and finances information respectively with a "relevant person", which will be a person in HMCTS or the SPA because of the definition of "relevant person" in *paragraph 29(9)*. *Paragraph 29(3) and (6)* secure that information can be further disclosed by a relevant person to a court or service court at any time after a defendant has been charged with an offence but only where the court or service court is inquiring into or determining a person's financial circumstances in connection with dealing with the person for an offence. This will assist the court when it is imposing a fine or compensation order. *Paragraph 29(5)* prohibits further disclosure of any information shared with HMCTS or the SPA (except to a court or service court as mentioned above or to relevant persons who want the information so that it can be put before a court or service court as mentioned above). *Paragraph 29(5)* does not apply in the circumstances set out in *paragraph 29(7)* (for example, where disclosure is to the defendant or his or her representative; where disclosure is of summary information from which the defendant cannot be identified; where disclosure is of information that has already been disclosed to the public with lawful authority; and where disclosure is necessary to comply with a duty imposed by or under any Act or with an order of a court or tribunal).
531. *Paragraph 30* makes it an offence to disclose or use any information shared with HMCTS or the SPA in contravention of *paragraph 29(5)*. *Paragraph 30(3)* provides for the maximum penalties to be imprisonment not exceeding two years and/or a fine if tried on indictment, and imprisonment not exceeding 6 months (increasing to 12 months

*These notes refer to the Crime and Courts Act 2013
(c.22) which received Royal Assent on 25 April 2013*

when section 154(1) of the CJA 2003 is brought into force) and/or a fine not exceeding the statutory maximum if tried summarily.