

Changes to legislation: Courts Act 2003, Part 3A is up to date with all changes known to be in force on or before 10 May 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

SCHEDULES

SCHEDULE 5

COLLECTION OF FINES ^[F1]AND OTHER SUMS IMPOSED ON CONVICTION]

Textual Amendments

- F1** Sch. 5: words in heading inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), arts. 1, 5 (with transitional provision in art. 3)

Modifications etc. (not altering text)

- C1** Sch. 5 applied (with modifications) (temp. from 23.3.2004 for certain purposes, 29.3.2004 for certain further purposes, 5.4.2004 for all purposes to 31.3.2006) by [S.I. 2004/175](#), arts. 1-3, Sch. (as amended by [S.I. 2004/1406](#), arts. 3, 4; [S.I. 2005/487](#), arts. 4-6; [S.I. 2005/642](#), art. 2; [S.I. 2005/2410](#), art. 2; [S.I. 2005/3166](#), art. 2)
- C1** Sch. 5 modified (temp. from 27.3.2006 to 2.7.2006) by [The Collection of Fines \(Pilot Scheme\) and Discharge of Fines by Unpaid Work \(Pilot Schemes\) \(Amendment\) Order 2006 \(S.I. 2006/502\)](#), arts. 1(1)(b)(2), 5 (with transitional provision in art. 4)
- C1** Sch. 5 restricted (prosp.) by [Education and Skills Act 2008 \(c. 25\)](#), ss. 56-58, 173(4)
- C1** Sch. 5 applied (1.10.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 85(7)(b), 153; [S.I. 2009/2606](#), art. 2(f)

^[F1]PART 3A

DISCLOSURE OF INFORMATION, AND MEANING OF "RELEVANT BENEFIT" ETC]

Textual Amendments

- F1** Sch. 5 Pt. 3A heading inserted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), ss. 27(3), 61(3); [S.I. 2013/2981](#), art. 2(a)

^[F2]Disclosure of information in connection with ^[F3]making of attachment of earnings order or] application for benefit deductions

Textual Amendments

- F2** Sch. 5 paras. 9A-9C and cross-headings inserted (3.11.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 41, 153; [S.I. 2008/2712](#), art. 2, Sch. para. 6 (subject to arts. 3, 4)
- F3** Words in Sch. 5 para. 9A heading inserted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), ss. 27(4), 61(3); [S.I. 2013/2981](#), art. 2(a)

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- [^{F4}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.
- (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).]

Textual Amendments

F4 Sch. 5 para. 9A substituted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), [ss. 27\(5\)](#), [61\(3\)](#); [S.I. 2013/2981](#), [art. 2\(a\)](#)

Modifications etc. (not altering text)

C1 [Sch. 5 para. 9A](#) extended to S. and N.I. (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), [ss. 27\(13\)](#), [61\(3\)](#); [S.I. 2013/2981](#), [art. 2\(a\)](#)

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Restrictions on disclosure

- 9B (1) A person to whom information is disclosed under paragraph [F⁵9A], or this sub-paragraph, may disclose the information to any person to whom its disclosure is necessary or expedient in connection with facilitating the making [F⁶, by the relevant court or a fines officer, of such a decision, order or application as is mentioned in paragraph 9A(1B).]
- (2) A person to whom such information is disclosed commits an offence if the person—
- (a) discloses or uses the information, and
 - (b) the disclosure is not authorised by sub-paragraph (1) or (as the case may be) the use is not for the purpose of facilitating the making of such a decision [F⁷, order or application as is mentioned in paragraph 9A(1B)].
- (3) But it is not an offence under sub-paragraph (2)—
- (a) to disclose any information in accordance with any enactment or order of a court [F⁸ or of a tribunal established by or under an Act] or for the purposes of any proceedings before a court; or
 - (b) to disclose [F⁹ 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)] any information which has previously been lawfully disclosed to the public.
- (4) It is a defence for a person charged with an offence under sub-paragraph (2) to prove that the person reasonably believed that the disclosure or use was lawful.
- (5) A person guilty of an offence under sub-paragraph (2) is [F¹⁰ 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 [F¹¹ the general limit in a magistrates' court], or
 - (ii) to a fine not exceeding the statutory maximum, or
 - (iii) to both.]
- [Sub-paragraph (5)(b) applies in relation to offences committed before [F¹² 2 May 2022] (general limit on power of magistrates' courts to impose imprisonment) as if the reference to [F¹⁴ the general limit in a magistrates' court] 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.]

Textual Amendments

- F5** Word in Sch. 5 para. 9B(1) substituted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), [ss. 27\(6\)\(a\)](#), [61\(3\)](#); [S.I. 2013/2981](#), [art. 2\(a\)](#)

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- F6** Words in Sch. 5 para. 9B(1) substituted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 27(6)(b)**, 61(3); S.I. 2013/2981, art. 2(a)
- F7** Words in Sch. 5 para. 9B(2)(b) substituted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 27(7)**, 61(3); S.I. 2013/2981, art. 2(a)
- F8** Words in Sch. 5 para. 9B(3)(a) inserted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 27(8)(a)**, 61(3); S.I. 2013/2981, art. 2(a)
- F9** Words in Sch. 5 para. 9B(3)(b) inserted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 27(8)(b)**, 61(3); S.I. 2013/2981, art. 2(a)
- F10** Words in Sch. 5 para. 9B(5) substituted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 27(9)**, 61(3); S.I. 2013/2981, art. 2(a)
- F11** Words in Sch. 5 para. 9B(5)(b)(i) substituted (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), 2(1), **Sch. Pt. 1** table
- F12** Sch. 5 para. 9B(6)(7) inserted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 27(10)**, 61(3); S.I. 2013/2981, art. 2(a)
- F13** Words in Sch. 5 para. 9B(6) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), **Sch. Pt. 1**
- F14** Words in Sch. 5 para. 9B(6) substituted (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), 2(1), **Sch. Pt. 1** table

Paragraphs 9A and 9B: supplementary

- 9C (1) [^{F15}Sub-paragraphs (3) and (3A) apply] for the purposes of paragraphs 9A and 9B.
- ^{F16}(2)
- (3) “Information” means information held in any form.
- [Relevant court” has the same meaning as in Part 3 of this Schedule.
- ^{F17}(3A)
- (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.]
- ^{F18}(4)
- (5) Nothing in paragraph 9A or 9B authorises the making of a disclosure which contravenes [^{F19}the data protection legislation].
- [In this paragraph, “the data protection legislation” has the same meaning as in the
- ^{F20}(6) Data Protection Act 2018 (see section 3 of that Act).]]

Textual Amendments

- F15** Words in Sch. 5 para. 9C substituted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 27(12)(a)**, 61(3); S.I. 2013/2981, art. 2(a)
- F16** Sch. 5 para. 9C(2) omitted (11.12.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 27(11)**, 61(3); S.I. 2013/2981, art. 2(a)

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- F17** Sch. 5 para. 9C(3A)(3B) inserted (11.12.2013) by Crime and Courts Act 2013 (c. 22), ss. 27(12)(b), 61(3); S.I. 2013/2981, art. 2(a)
- F18** Sch. 5 para. 9C(4) omitted (11.12.2013) by virtue of Crime and Courts Act 2013 (c. 22), ss. 27(11), 61(3); S.I. 2013/2981, art. 2(a)
- F19** Words in Sch. 5 para. 9C(5) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), Sch. 19 para. 92(2) (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F20** Sch. 5 para. 9C(6) inserted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), Sch. 19 para. 92(3) (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

Modifications etc. (not altering text)

- C2** Sch. 5 para. 9C extended to S. and N.I. (11.12.2013) by Crime and Courts Act 2013 (c. 22), ss. 27(13), 61(3); S.I. 2013/2981, art. 2(a)

Meaning of “relevant benefit” and “application for benefit deductions”

- 10 In this Schedule—
- (a) “relevant benefit” means a benefit from which the Secretary of State may make deductions by virtue of section 24 of the Criminal Justice Act 1991 (recovery of fines etc. by deductions from [^{F21}universal credit and] income support etc.), and
- (b) “application for benefit deductions”, in relation to a relevant benefit, means an application to the Secretary of State asking him to deduct sums from any amounts payable to P by way of the benefit.

Textual Amendments

- F21** Words in Sch. 5 para. 10(a) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), 17(2)

Modifications etc. (not altering text)

- C3** Sch. 5 para. 10 extended (11.12.2013) by Crime and Courts Act 2013 (c. 22), ss. 27(13), 61(3); S.I. 2013/2981, art. 2(a)

Commencement Information

- I1** Sch. 5 para. 10 wholly in force at 5.4.2004; Sch. 5 para. 10 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 10 in force for certain purposes at 23.2.2004 by S.I. 2004/174, art. 4(a); Sch. 5 para. 10 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, art. 4(b); Sch. 5 para. 10 in force for all purposes at 5.4.2004 by S.I. 2004/174, art. 4(c)

[^{F22}Application of this Part to person with automatic online conviction

Textual Amendments

- F22** Sch. 5 para. 10A and cross-heading inserted (7.11.2023) by Judicial Review and Courts Act 2022 (c. 35), s. 51(4), Sch. 2 para. 3(5); S.I. 2023/1194, reg. 2(e)

- 10A This Part of this Schedule applies to a person who has been given a notice of conviction and penalty (within the meaning of section 16L of the Magistrates’ Courts Act 1980) as it applies to P.]

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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):

- s. 75(6) inserted by [2022 c. 35 Sch. 4 para. 3\(2\)](#)
- s. 76(2B) inserted by [2010 c. 26 Sch. 3 para. 14](#) (This amendment not applied to legislation.gov.uk. Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by 2013 c. 22, s. 17(4) ; S.I. 2013/2200 art. 2(a))
- s. 81(6) inserted by [2022 c. 35 Sch. 4 para. 3\(3\)](#)
- s. 85EA(5) words substituted by [2022 c. 32 Sch. 11 para. 29](#)
- Sch. 5 para. 13(1)(ca) inserted by [2013 c. 22 s. 26\(3\)](#)

Commencement Orders yet to be applied to the Courts Act 2003

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2005/547 art. 2](#) commences ([2003 c. 39](#))