

CRIME AND COURTS ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Courts and Justice

Section 27: Disclosure of information to facilitate collection of fines and other sums

434. Paragraphs 9A to 9C of Schedule 5 to the Courts Act 2003 (the “2003 Act”), as amended by this section, will enable the Secretary of State, a Northern Ireland department and Her Majesty’s Revenue and Customs to share social security and finances information with Her Majesty’s Courts and Tribunals Service for the purpose of facilitating the making of a decision by a court or a fines officer as to whether to make an attachment of earnings order or an application for benefits deductions against the offender, or of facilitating the making of such an order or application.
435. New paragraph 9A(2) of Schedule 5 to the 2003 Act defines finances information to include details about an offender’s income, gains or capital and social security information to include information which is held for the purposes of functions relating to social security. The new paragraph 9A(1) refers to a Northern Ireland Department to ensure that social security information on Northern Ireland residents held on the Department for Work and Pension’s database can be shared with Her Majesty’s Courts and Tribunals Service.
436. *Subsections (6) to (8)* amend the criminal offence in paragraph 9B to prevent further disclosure of any information shared with Her Majesty’s Courts and Tribunals Service save in the circumstances set out in amended paragraph 9B(3) and (4). *Subsections (9) and (10)* increase the maximum penalties in relation to the offence 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 when section 154(1) of the Criminal Justice Act 2003 is brought into force) and/or a fine not exceeding the statutory maximum if tried summarily.