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*Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 7. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 16

#### DEALING NON-CUSTODIALLY WITH OFFENDERS

##### PART 7

###### INFORMATION TO ENABLE A COURT TO DEAL WITH AN OFFENDER

###### *Power to disclose information*

- 29 (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.
- (2) 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.
- (3) The disclosure authorised by sub-paragraph (1) or (2) is disclosure of the information concerned for use by a court that, in connection with dealing with a person ("the defendant") for an offence, is inquiring into or determining the defendant's financial circumstances.
- (4) Sub-paragraphs (1) and (2) do not authorise disclosure in a particular case at a time when the defendant is under 18.
- (5) Information disclosed to a relevant person under sub-paragraph (1) or (2) or paragraph (a)(ii)—
- (a) must not be further disclosed by the relevant person except—
    - (i) to a court that, in connection with dealing with the defendant for the offence, is inquiring into or determining the defendant's financial circumstances, or
    - (ii) to another relevant person who wants social security information or finances information in order that it can be put before a court that, in connection with dealing with the defendant for the offence, is inquiring into or determining the defendant's financial circumstances, and
  - (b) must not be used by the relevant person otherwise than for the purpose of disclosing it as mentioned in paragraph (a)(i) or (ii).
- (6) Sub-paragraphs (1), (2) and (5)(a) not only authorise disclosure after conviction of the defendant but also authorise disclosure at any time after the defendant is first charged with the offence.
- (7) Sub-paragraph (5) does not prohibit—

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- (a) disclosure to the defendant, or to a person representing the defendant in any proceedings in connection with the offence;
  - (b) disclosure or use of 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;
  - (c) disclosure or use of information which has previously been disclosed to the public with lawful authority;
  - (d) disclosure or use of information so far as necessary to comply with—
    - (i) an order of a court,
    - (ii) an order of a tribunal established by or under an Act, or
    - (iii) a duty imposed by or under an Act.
- (8) In sub-paragraph (7) “court” means any court, but elsewhere in this paragraph “court” means—
- (a) a magistrates' court, or the Crown Court, in England and Wales,
  - (b) the Court Martial, the Service Civilian Court or the Summary Appeal Court, or
  - (c) any court hearing an appeal (including an appeal by case stated) from a court within paragraph (a) or (b).
- (9) 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;
- “relevant person” means—
- (a) a person who is appointed by the Lord Chancellor under section 2(1) of the Courts Act 2003 or provided under a contract made by virtue of section 2(4) of that Act,
  - (b) a person who is a member of or on the staff of the Service Prosecuting Authority, or
  - (c) a person not within paragraph (b) who is, or who is assisting, a person engaged to represent the Service Prosecuting Authority in proceedings before a court;
- “Service Prosecuting Authority” means—
- (a) the Director of Service Prosecutions, and
  - (b) the persons appointed under section 365 of the Armed Forces Act 2006 (prosecuting officers);
- “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.

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- (10) The reference in sub-paragraph (9) 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).

#### Commencement Information

- II** Sch. 16 para. 29 in force at 11.12.2013 by S.I. 2013/2981, art. 2(d)

#### *Offence where information wrongly used or disclosed*

- 30 (1) It is an offence for a person to disclose or use information in contravention of paragraph 29(5).
- (2) It is a defence for a person charged with an offence under sub-paragraph (1) to prove that the person reasonably believed that the disclosure or use concerned was lawful.
- (3) A person guilty of an offence under sub-paragraph (1) is 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 period not exceeding 12 months [<sup>F1</sup>or the general limit in a magistrates' court], or
    - (ii) to a fine not exceeding the statutory maximum, or
    - (iii) to both.
- (4) Sub-paragraph (3)(b) applies—
- (a) in England and Wales in relation to offences committed before [<sup>F2</sup>2 May 2022], and
  - (b) in Northern Ireland,
- as if the reference to 12 months [<sup>F3</sup>or the general limit in a magistrates' court] were a reference to 6 months.
- (5) A prosecution for an offence under sub-paragraph (1)—
- (a) may be instituted in England and Wales only by or with the consent of the Director of Public Prosecutions, and
  - (b) may be instituted in Northern Ireland only by or with the consent of the Director of Public Prosecutions for Northern Ireland.

#### Textual Amendments

- F1** Words in Sch. 16 para. 30(3)(b)(i) inserted (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), 27(4)
- F2** Words in Sch. 16 para. 30(4)(a) 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
- F3** Words in Sch. 16 para. 30(4) inserted (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), 27(4)

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**Commencement Information**

**I2** Sch. 16 para. 30 in force at 11.12.2013 by [S.I. 2013/2981](#), **art. 2(d)**

**Changes to legislation:**

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