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Our ref: SEJ/FOI/190909013-1

3rd October 2019

Dear Mr Patterson,

Freedom of Information Act request 190909013

Thank you for your e-mail in which you asked.

Are council tax liability orders and hearings made by a magistrate in a court 'under the authority' of HMCTS?

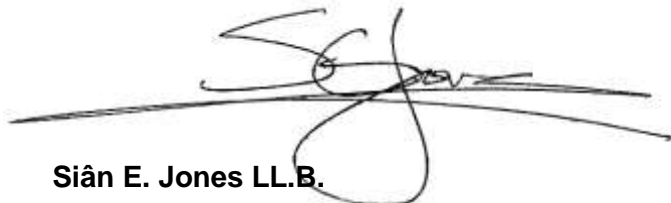
The Freedom of Information Act 2000 (the Act) gives individuals and organisations the right of access to all types of recorded information held, at the time the request is received, by public authorities such as the Ministry of Justice. Section 84 of the Act states that in order for a request for information to be handled as a Freedom of Information (FOI) request, it must be for recorded information. For example, a FOI request would be for recorded statistics, but not legal advice.

Your question however is not asking for recorded information, but for advice on the law. I have therefore assessed that your request does not fall within the Act.

Outside the Act and as general correspondence, however, I can answer your question. Council tax liability orders made by magistrates are made under the authority of the magistrates, not under the authority of HMCTS. The hearing is also under the authority of the magistrates, not HMCTS. HMCTS is responsible for providing court buildings, but it is not responsible for the judicial hearings or decisions made in them. Those are the sole responsibility of the judiciary.

Please note that as this is not a reply under the Freedom of Information Act, you have no right to a review under the Act.

Yours sincerely,



Siân E. Jones LL.B.

Head of Legal and Professional Services