

Kirsty Eccles  
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[data.access@justice.gsi.gov.uk](mailto:data.access@justice.gsi.gov.uk)

15 March 2018

Dear Ms Eccles,

**Freedom of Information Act (FOIA) Request – 180215008**

Thank you for your request dated 15 February in which you asked for the following information from the Ministry of Justice (MoJ):

*I have been informed by my local authority that a list containing my name and the names of 120 others (for non-payment of council tax) was signed by a clerk to the Magistrates court and subsequently, summonses were issued by the council.*

*Please provide me with a copy of legislation that permits the courts to bypass the law that states that each case should be analysed individually and judged on its own merits which is the case here.*

Your request has been handled under the FOIA.

The MoJ does not hold some information in the scope of your request. This is because there is no legal or business requirement for MoJ to do so.

The FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. The duty is to only provide the recorded information held.

However, outside of the FOIA and on a purely discretionary basis, I can tell you that the procedures for handling non-payment of council tax are set out in the Council Tax (Administration and Enforcement) Regulations 1992, which can be accessed here: <https://www.legislation.gov.uk/uksi/1992/613/regulation/34/made>

It may help if I draw your attention to section 34(2) of the Regulations:

“34(2) The application is to be instituted by making complaint to a justice of the peace, and requesting the issue of a summons directed to that person to appear before the court to show why he has not paid the sum which is outstanding.”

**Appeal Rights**

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

[data.access@justice.gsi.gov.uk](mailto:data.access@justice.gsi.gov.uk)

Data Access and Compliance Unit, Ministry of Justice, 10.38, 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

**Guy Wilson**  
**Victim and Witness Policy**