

J van Herk
request-453195-b851c9e2@whatdotheyknow.com

data.access@justice.gsi.gov.uk

8 February 2018

Dear Sir/Madam

Freedom of Information Act (FOIA) Request – 180124022

Thank you for your request dated 24 January 2018 in which you asked for the following information from the Ministry of Justice (MoJ):

Thank you for your reply.

To my understanding, Priority Debt is a term that indicates a more 'severe' sort of debt for which greater consequences exist when one fails to pay these, than with other sorts of debt.

Therefore, to clarify my request for information: please provide me with a) the number of people convicted for failure to debt; b) number of people serving custodial sentences for failure to pay priority debt.

These debts can be:

- Mortgage repayments and loans secured on one's home
- Rent
- Gas and electricity debts
- Council tax
- Guarantor loans and logbook loans;
- Gas and electricity bills;
- Child support and maintenance payments;
- Income tax, VAT and other tax debts;
- TV licence payments;
- Magistrates Court fines and penalty fines such as parking; and certain payments ordered by the courts.
- Child support and maintenance payments

However, if you have knowledge about other kinds of debts for which one can be convicted by court and/or serve custodial sentences when one fails to pay for these, then please include information on this as well.

Your request has been handled under the FOIA.

I can confirm the MoJ holds some of the information you have requested. However, to provide as the request currently stands would exceed the cost limit set out in the FOIA.

Section 12(1) of the FOIA means public authorities are not obliged to comply with a request for information if it estimates the cost of complying would exceed the appropriate limit. The

appropriate limit for central government is set at £600. This represents the estimated cost of one person spending 3.5 working days determining whether the department holds the information, and locating, retrieving and extracting the information.

Centrally held information does not record whether or not an offender has defaulted on payment of a fine for failure to pay for a television licence, as fine accounts are opened without reference to the offence involved. Nor can the specific number of those offenders failing to pay council tax be specifically listed, as these are listed as applications for liability orders and the way the Court processes these applications means that they could cover one or multiple individuals. Some of the other debts which appear in your list do not result in criminal enforcement action.

We believe that the cost of examining all fine accounts to establish which fines applied to tv licence evasion, and, of these, how many had been defaulted on, and then whether or not further enforcement action via the magistrates' courts had occurred, would exceed the appropriate limit. A similar exercise would need to take place with regard to the liability orders. Consequently, we are not obliged to comply with your request.

Although we cannot answer your request at the moment, we may be able to answer a refined request within the cost limit. You may wish to consider, for example, reducing the scope of your request to request merely the prison population information. Please be aware that we cannot guarantee at this stage that a refined request will fall within the FOIA cost limit, or that other exemptions will not apply.

For guidance on how to structure successful requests please refer to the ICO website on the following link: http://ico.org.uk/for_the_public/official_information

http://www.legislation.gov.uk/uksi/2004/3244/pdfs/uksi_20043244_en.pdf

Please be informed that enforcement action for the tax matters you refer to is a matter for Her Majesty's Revenue and Customs (HMRC) and for child maintenance is with the Department for Work and Pensions (DWP). Should you wish to make a request of either of these organisations, please follow the below links:-

freedom-of-information-request@dwp.gsi.gov.uk

<https://www.gov.uk/government/organisations/hm-revenue-customs/about/publication-scheme#make-an-foi-request-to-hmrc>

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

Disclosure Team, 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 faithfully

David Carmichael
Justice Statistics Analytical Services