



Ministry of Justice

Mr B Frodham

request-239433-cbd0cb70@whatdotheyknow.com

Mr C Cox
North West Regional Support Unit
PO Box 4237
Manchester Civil Justice Centre
1 Bridge Street West
Manchester
M60 1TE

DX : 724780 Manchester 44

T : 0161 240 5082
F : 0161 240 5915
E : NWRegionalCorrespondence
@hmcts.gsi.gov.uk

Minicom VII 020 7210 2231
(Helpline for the deaf and hard of hearing)

www.justice.gov.uk

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Our Reference: Clarification 95679

Freedom of Information Request

Dear Mr Frodham,

Thank you for your email of 9 January 2015, in which you stated the opinion that:

"The introduction to my request makes a case for the government using several departments to ensure a significant increase in people are taken to court for being unable to pay their council tax.

To clarify how this would be achieved. It would be because of the removal of council tax benefit and introduction of bedroom tax that would take the amount of income – which had already been means tested and decided to be the minimum to live on frugally – to be reduced further.

Please see below that introduction for your reference:

"Since benefit reforms were introduced in April 2013 the public has had to bear the cost of £millions in respect of unrecoverable Magistrates' court fee applications in Council Tax cases.

Through the process of introducing the benefit reforms, it would have been obvious to the government that because of the bedroom tax and council tax benefit cuts, the number of people falling in arrears and then being summonsed to court by local authorities would sky rocket.

For all those cases the council is invoiced by the Ministry of Justice a sum of £3 in respect of the court fee for making complaint to the court. The council will be liable to pay this irrespective of the case proceeding to a hearing or whether the council's costs are recoverable.

Government must also have been mindful that in hundreds and thousands of cases, councils would be unable to recover monies from individuals incurring the costs and would have no practical alternative but to waive them. In all these cases however, the Ministry of Justice will still have gained £3 per complaint for which the local authority (council taxpayer) is unable to recover and bare the cost.

This manoeuvre is stealthily taxing the public as in these cases it is not the individual defaulting on payment who pays this but the taxpayer in general and must have been considered a master stroke by the government in using local authorities, the Department of Work and Pensions and the Court Service to bring in an extra 'x' amount of £millions each year."

Your request has been handled under the Freedom of Information Act 2000 (FOIA).

I have assessed your request for information, and unfortunately I will not be able to answer it without further clarification. Section 1(3) of the Freedom of Information Act does not oblige us to answer requests where we require further clarification to identify and locate the information requested. We are unable to answer your request unless you provide us with further information.

You can find out more about Section 1(3) by reading the extract from the Act and some guidance points we consider when applying this exemption, attached at the end of this letter.

You can also find more information by reading the full text of the Act, available at <http://www.legislation.gov.uk/ukpga/2000/36/section/1>.

I am still unclear as to the exact scope of the information in which you are interested as your email is stating your opinion on the topic, rather than asking a specific question. In order to help ensure that I provide you with the right information, I would refer you to my Internal Review letter of 9 January 2015, ref IR 95209, in which I asked you to clarify your request and identify which area of the business within Her Majesty's Court and Tribunals Service you are referring to in relation to benefit reforms and also which particular benefit reform you require information on?

The link attached provides information about the agencies and organisations of the Ministry of Justice: <http://www.justice.gov.uk/information-access-rights/foi-requests>


Upon receipt of this information I will be in a position to continue with the processing of your request.

You have the right to appeal our decision if you think it is incorrect. Details can be found in the 'How to Appeal' section attached at the end of this letter.

Disclosure Log

You can also view information that the Ministry of Justice has disclosed in response to previous Freedom of Information requests. Responses are anonymised and published on our on-line disclosure log which can be found on the MoJ website: <https://www.gov.uk/government/organisations/ministry-of-justice/series/freedom-of-information-disclosure-log>

Yours sincerely

A handwritten signature in black ink, appearing to read 'Christopher J Cox'.

Christopher J M Cox

Knowledge Information Liaison Team

How to Appeal

Information Commissioner's Office

If you remain dissatisfied after an internal review decision, you have the right to apply to the Information Commissioner's Office. The Commissioner is an independent regulator who has the power to direct us to respond to your request differently, if he considers that we have handled it incorrectly.

You can contact the Information Commissioner's Office at the following address:

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire
SK9 5AF

Internet address: https://www.ico.gov.uk/Global/contact_us.aspx

**EXPLANATION OF FOIA – SECTION 1(3) - FURTHER INFORMATION
REQUIRED IN ORDER TO IDENTIFY AND LOCATE THE INFORMATION
REQUESTED.**

We have provided below additional information about Section 1(3) of the Freedom of Information Act. We have included some extracts from the legislation, as well as some of the guidance we use when applying it. We hope you find this information useful.

The legislation

Section 1: General right of access to information held by public authorities.

- (1) Any person making a request for information to a public authority is entitled—
- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
 - (b) if that is the case, to have that information communicated to him.
- (2) Subsection (1) has effect subject to the following provisions of this section and to the provisions of sections 2, 9, 12 and 14.
- (3) Where a public authority—
- (a) reasonably requires further information in order to identify and locate the information requested, and
 - (b) has informed the applicant of that requirement,

the authority is not obliged to comply with subsection (1) unless it is supplied with that further information.

Guidance

Is the request clear and specific?

If the request is unclear or vague, the public authority is obliged to provide reasonable assistance to the person who made the request.

This means more than simply telling them that their request is not specific enough, the public authority should take reasonable steps to provide assistance to the requester. The aim should be to assist the requester to refine their request so that it becomes specific enough for the public authority to identify the information they want. Once the original request has been clarified, the public authority can continue to process the request in line with the Freedom of Information Act.