



Rehabilitation of Offenders Act 1974

1974 CHAPTER 53

9 Unauthorized disclosure of spent convictions

(1) In this section—

" official record " means a record kept for the purposes of its functions by any court, police force, Government department, local or other public authority in Great Britain, or a record kept, in Great Britain or elsewhere, for the purposes of any of Her Majesty's forces, being in either case a record containing information about persons convicted of offences ; and

" specified information " means information imputing that a named or otherwise identifiable rehabilitated living person has committed or been charged with or prosecuted for or convicted of or sentenced for any offence which is the subject of a spent conviction.

- (2) Subject to the provisions of any order made under subsection (5) below, any person who, in the course of his official duties, has or at any time has had custody of or access to any official record or the information contained therein, shall be guilty of an offence if, knowing or having reasonable cause to suspect that any specified information he has obtained in the course of those duties is specified information, he discloses it, otherwise than in the course of those duties, to another person.
- (3) In any proceedings for an offence under subsection (2) above it shall be a defence for the defendant (or, in Scotland, the accused person) to show that the disclosure was made—
- (a) to the rehabilitated person or to another person at the express request of the rehabilitated person; or
 - (b) to a person whom he reasonably believed to be the rehabilitated person or to another person at the express request of a person whom he reasonably believed to be the rehabilitated person.
- (4) Any person who obtains any specified information from any official record by means of any fraud, dishonesty or bribe shall be guilty of an offence.
- (5) The Secretary of State may by order make such provision as appears to him to be appropriate for excepting the disclosure of specified information derived from an

Status: This is the original version (as it was originally enacted).

official record from the provisions of subsection (2) above in such cases or classes of case as may be specified in the order.

- (6) Any person guilty of an offence under subsection (2) above shall be liable on summary conviction to a fine not exceeding £200.
- (7) Any person guilty of an offence under subsection (4) above shall be liable on summary conviction to a fine not exceeding £400 or to imprisonment for a term not exceeding six months, or to both.
- (8) Proceedings for an offence under subsection (2) above shall not, in England and Wales, be instituted except by or on behalf of the Director of Public Prosecutions.