



Justice (Northern Ireland) Act 2002

2002 CHAPTER 26

PART 1

THE JUDICIARY

Appointment and removal

[^{F1}5A Disclosure of information to the Commission

- (1) Information which is held by or on behalf of a permitted person (whether obtained before or after this section comes into force) may be disclosed to the Commission or a committee of the Commission for the purposes of selection under [^{F2}Schedule 3].
- (2) A disclosure under this section is not to be taken to breach any restriction on the disclosure of information (however imposed).
- (3) But nothing in this section authorises the making of a disclosure—
 - (a) which contravenes the [^{F3}the data protection legislation], or
 - (b) which is prohibited by [^{F4}any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016].
- (4) This section does not affect a power to disclose which exists apart from this section.
- (5) The following are permitted persons—
 - (a) a chief officer of police of a police force in England and Wales;
 - [^{F5}(b) the chief constable of the Police Service of Scotland;]
 - (c) the Chief Constable of the Police Service of Northern Ireland;
 - (d) the Director General of the National Criminal Intelligence Service;
 - (e) the Director General of the National Crime Squad;
 - (f) the Commissioners of Inland Revenue;
 - (g) the Commissioners of Customs and Excise.

Changes to legislation: Justice (Northern Ireland) Act 2002, Section 5A is up to date with all changes known to be in force on or before 13 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (6) The Lord Chancellor may by order designate as permitted persons other persons who exercise functions which he considers are of a public nature (including a body or person discharging regulatory functions in relation to any description of activities).
- (7) Information must not be disclosed under this section on behalf of the Commissioners of Inland Revenue or on behalf of the Commissioners of Customs and Excise unless the Commissioners concerned authorise the disclosure.
- (8) The power to authorise a disclosure under subsection (7) may be delegated (either generally or for a specific purpose)—
- (a) in the case of the Commissioners of Inland Revenue, to an officer of the Board of Inland Revenue,
 - (b) in the case of the Commissioners of Customs and Excise, to a customs officer.
- (9) For the purposes of this section a customs officer is a person commissioned by the Commissioners of Customs and Excise under section 6(3) of the Customs and Excise Management Act 1979.

[In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).]

Textual Amendments

- F1** S. 5A inserted (15.6.2005 for specified purposes, 12.4.2010 in so far as not already in force) by [Constitutional Reform Act 2005 \(c. 4\)](#), **ss. 123(2)**, 148(1); S.I. 2005/1431, art. 2(a); S.I. 2010/883, art. 2(b)
- F2** Words in s. 5A(1) substituted (12.4.2010) by [Northern Ireland Act 2009 \(c. 3\)](#), s. 5(7), **Sch. 3 para. 4**; S.I. 2010/812, art. 2
- F3** Words in s. 5A(3)(a) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 78(2)** (with [ss. 117, 209, 210](#)); S.I. 2018/625, reg. 2(1)(g)
- F4** Words in s. 5A(3)(b) substituted (27.6.2018) by [Investigatory Powers Act 2016 \(c. 25\)](#), s. 272(1), **Sch. 10 para. 11** (with [Sch. 9 paras. 7, 8, 10](#)); S.I. 2018/652, reg. 12(g)(iii)
- F5** S. 5A(5)(b) substituted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), **Sch. 2 para. 38**
- F6** S. 5A(10) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 78(3)** (with [ss. 117, 209, 210](#)); S.I. 2018/625, reg. 2(1)(g)

Modifications etc. (not altering text)

- C1** S. 5A applied by 1998 c. 47, Sch. 11 para. 2A(5) (as inserted (12.4.2010) by [Northern Ireland Act 2009 \(c. 3\)](#), s. 5(7), **Sch. 5 para. 4**; S.I. 2010/812, art. 2)
- C2** S. 5A(6): transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), **15(2)** (with arts. 15(6), 28-31)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 31(1A) inserted by [2023 c. 41 Sch. 13 para. 5\(2\)](#)
- s. 31(7) inserted by [2023 c. 41 Sch. 13 para. 5\(4\)](#)