



# Serious Crime Act 2007

## 2007 CHAPTER 27

### PART 3

#### OTHER MEASURES TO PREVENT OR DISRUPT SERIOUS AND OTHER CRIME

#### CHAPTER 1

#### PREVENTION OF FRAUD

##### *Sharing information with anti-fraud organisations*

#### **70 Penalty and prosecution for offence under section 69**

- (1) A person who commits an offence under section 69 is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (2) A prosecution for an offence under section 69 may be begun in England and Wales [<sup>F1</sup>only by or with the consent of the Director of Public Prosecutions]
- (3) A prosecution for an offence under section 69 may be begun in Northern Ireland only—
  - (a) in the case of revenue and customs information disclosed by Revenue and Customs—
    - (i) by the Commissioners of Revenue and Customs; or
    - (ii) with the consent of the Director of Public Prosecutions for Northern Ireland; and
  - (b) in any other case, with the consent of the Director of Public Prosecutions for Northern Ireland.

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*Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, Section 70. (See end of Document for details)*

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- (4) If an offence under section 69 committed by a body corporate or a partnership is proved to have been committed with the consent or connivance of—
- (a) an officer of the body corporate or (as the case may be) a partner or a senior officer of the partnership; or
  - (b) a person who was purporting to act in any such capacity;
- he (as well as the body corporate or partnership) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (5) In the application of subsection (1)(a) in Northern Ireland, the reference to 12 months is to be read as a reference to 6 months.
- [<sup>F2</sup>(5A) In the application of subsection (1)(a) in England and Wales, the reference to 12 months is to be read as a reference to the general limit in a magistrates' court subject to paragraph 8 of Schedule 13.]
- (6) In this section—
- “body corporate” includes a limited liability partnership;
  - “Commissioners of Revenue and Customs”, “Revenue and Customs” and “revenue and customs information” have the same meaning as in section 69;
  - “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate;
  - “officer of a body corporate” means any director, manager, secretary or other similar officer of the body corporate; and
  - “senior officer of a partnership” means any person who has the control or management of the business carried on by the partnership at the principal place where it is carried on.

#### **Textual Amendments**

- F1** Words in s. 70(2) substituted (27.3.2014) by [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), **Sch. 2 para. 50**
- F2** S. 70(5A) inserted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), **14(3)**

#### **Commencement Information**

- I1** S. 70 in force at 1.10.2008 by [S.I. 2008/2504](#), **art. 2(c)**

**Changes to legislation:**

There are currently no known outstanding effects for the Serious Crime Act 2007, Section 70.