



Legal Aid, Sentencing and Punishment of Offenders Act 2012

2012 CHAPTER 10

PART 1

LEGAL AID

Supplementary

33 Restriction on disclosure of information about financial resources

- (1) A person to whom information is disclosed under section 22 or this subsection may disclose the information to any person to whom its disclosure is necessary or expedient in connection with facilitating a determination in respect of an individual's financial resources that is required under section 21.
- (2) A person to whom such information is disclosed must not—
 - (a) disclose the information other than in accordance with subsection (1), or
 - (b) use the information other than for the purpose of facilitating a determination described in subsection (1).
- (3) Subsection (2) does not prevent—
 - (a) the disclosure of information in accordance with an enactment or an order of a court,
 - (b) the disclosure of information for the purposes of the investigation or prosecution of an offence (or suspected offence) under the law of England and Wales or Northern Ireland or any other jurisdiction, except where regulations otherwise provide,
 - (c) the disclosure of information for the purposes of instituting, or otherwise for the purposes of, proceedings before a court, or
 - (d) the disclosure of information which has previously been lawfully disclosed to the public.

Status: This is the original version (as it was originally enacted).

- (4) A person who discloses or uses information in contravention of this section is guilty of an offence and liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both);
 - (b) on summary conviction—
 - (i) in England and Wales, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both), and
 - (ii) in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both).
- (5) It is a defence for a person charged with an offence under this section to prove that the person reasonably believed that the disclosure or use was lawful.
- (6) In this section “enactment” includes—
- (a) an enactment contained in subordinate legislation (within the meaning of the Interpretation Act 1978), and
 - (b) an enactment contained in, or in an instrument made under, an Act or Measure of the National Assembly for Wales or Northern Ireland legislation.
- (7) In relation to an offence under this section committed before the commencement of section 154(1) of the Criminal Justice Act 2003, the reference in subsection (4)(b)(i) to 12 months has effect as if it were a reference to 6 months.