

SCHEDULES

SCHEDULE 5

RESTRICTIONS ON DISCLOSING INFORMATION

Power to prohibit disclosure

- 6 (1) The Secretary of State may by order—
 - (a) prohibit the disclosure of information to which this Schedule applies;
 - (b) provide that a prohibition imposed by virtue of paragraph (a) is subject to exceptions corresponding to those set out in paragraphs 3 to 5 (other than paragraph 5(1)(g));
 - (c) provide that a person who discloses information in contravention of such a prohibition commits an offence punishable—
 - (i) on summary conviction, with imprisonment for not more than 12 months or with a fine not exceeding the statutory maximum (or both), or
 - (ii) on conviction on indictment, with imprisonment for not more than two years or with a fine (or both).
- (2) The reference in sub-paragraph (1)(c)(i) to 12 months is to be read as a reference to 6 months—
 - (a) in its application to England and Wales in relation to an offence committed before the date on which section 154(1) of the Criminal Justice Act 2003 comes into force, and
 - (b) in its application to Northern Ireland.
- (3) An order under sub-paragraph (1) may repeal paragraphs 2 to 5.
- (4) If section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force on or before the day on which this Act is passed—
 - (a) section 85 of that Act (removal of limit on certain fines on conviction by magistrates' court) applies in relation to the power under sub-paragraph (1)(c)(i) on or after that day as if it were a relevant power (as defined in section 85(3) of that Act), and
 - (b) regulations described in section 85(11) of that Act may amend, repeal or otherwise modify sub-paragraph (1)(c)(i).
- (5) An order under sub-paragraph (1) is to be made by statutory instrument.
- (6) A statutory instrument containing an order under sub-paragraph (1) may not be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.