



Trade Act 2021

2021 CHAPTER 10

PART 4

TRADE INFORMATION

12 Collection of exporter information by HMRC

- (1) Her Majesty's Revenue and Customs may request any person to provide information for the purpose of assisting the Secretary of State to establish the number and identity of persons exporting goods and services from the United Kingdom in the course of a trade, business or profession.
- (2) For the purposes of subsection (1) goods or services are exported from the United Kingdom if they are supplied to a person who is outside the United Kingdom.
- (3) The Treasury may by regulations made by statutory instrument make provision about—
 - (a) the types of information that may be requested under subsection (1), and
 - (b) how the request is to be made.
- (4) Regulations under subsection (3) may, among other things, modify an Act of Parliament.
- (5) A statutory instrument containing (whether alone or with other provision) regulations under subsection (3) that amend or repeal an Act of Parliament may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (6) Any other statutory instrument containing regulations under subsection (3) is subject to annulment in pursuance of a resolution of either House of Parliament.

Commencement Information

II S. 12 in force at 30.6.2021 by S.I. 2021/550, reg. 4(b)

Changes to legislation: There are currently no known outstanding effects for the Trade Act 2021, PART 4. (See end of Document for details)

13 Disclosure of information by HMRC

- (1) Her Majesty's Revenue and Customs (or anyone acting on their behalf) may disclose information for the purpose of—
- (a) facilitating the exercise by a Minister of the Crown of the Minister's functions relating to trade,
 - (b) facilitating the exercise by a devolved authority of the authority's functions relating to trade, or
 - (c) facilitating the exercise by an international organisation or authority, or by any other body, of its public functions relating to trade.
- (2) Those functions include, among other things, functions relating to—
- (a) the analysis of the flow of traffic, goods and services into and out of the United Kingdom;
 - (b) the analysis of the impact, or likely impact, of measures or practices relating to imports, exports, border security and transport on such flow;
 - (c) the design, implementation and operation of such measures or practices.
- (3) A person who receives information as a result of this section may not—
- (a) use the information for a purpose other than one mentioned in subsection (1), or
 - (b) further disclose the information,
- except with the consent of the Commissioners for Her Majesty's Revenue and Customs (which may be general or specific).
- (4) If a person discloses information in contravention of subsection (3)(b) which relates to a person whose identity—
- (a) is specified in the disclosure, or
 - (b) can be deduced from it,
- section 19 of the Commissioners for Revenue and Customs Act 2005 (offence of wrongful disclosure) applies in relation to that disclosure as it applies in relation to a disclosure of information in contravention of section 20(9) of that Act.
- (5) This section does not limit the circumstances in which information may be disclosed under section 18(2) of the Commissioners for Revenue and Customs Act 2005 or under any other enactment or rule of law.
- (6) Nothing in this section authorises the making of a disclosure which—
- (a) contravenes the data protection legislation (save that the powers conferred by this section are to be taken into account in determining whether a disclosure contravenes that legislation), or
 - (b) is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 (save that the powers conferred by this section are to be taken into account when determining whether a disclosure is prohibited by those provisions).
- (7) In this section “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).

Commencement Information

I2 S. 13 in force at 30.6.2021 by S.I. 2021/550, reg. 4(c)

14 Disclosure of information by other authorities

- (1) A public authority specified in subsection (3) may disclose information for the purpose of facilitating the exercise by a Minister of the Crown of the Minister's functions relating to trade.
- (2) Those functions include, among other things, functions relating to—
 - (a) the analysis of the flow of traffic, goods and services into and out of the United Kingdom;
 - (b) the analysis of the impact, or likely impact, of measures or practices relating to imports, exports, border security and transport on such flow;
 - (c) the design, implementation and operation of such measures or practices.
- (3) The specified public authorities are—
 - (a) the Secretary of State;
 - (b) the Minister for the Cabinet Office;
 - (c) a strategic highways company appointed under section 1 of the Infrastructure Act 2015;
 - (d) a port health authority constituted under section 2 of the Public Health (Control of Disease) Act 1984.
- (4) A person who receives information as a result of this section may only use the information for the purpose of facilitating the exercise by a public authority of the authority's functions relating to trade (which include, among other things, functions of a kind referred to in subsection (2)).
- (5) A person who receives information as a result of this section may further disclose the information, but only with the consent of the public authority that disclosed the information under subsection (1) (which may be general or specific).
- (6) This section does not limit the circumstances in which the information may be disclosed under any other enactment or rule of law.
- (7) A disclosure under this section does not breach—
 - (a) any obligation of confidence owed by the person disclosing the information, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (8) But nothing in this section authorises the making of a disclosure which—
 - (a) contravenes the data protection legislation (save that the powers conferred by this section are to be taken into account in determining whether a disclosure contravenes that legislation), or
 - (b) is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 (save that the powers conferred by this section are to be taken into account when determining whether a disclosure is prohibited by those provisions).
- (9) A Minister of the Crown may by regulations made by statutory instrument amend this section for the purpose of specifying a public authority in, or removing a public authority from, subsection (3).
- (10) A statutory instrument containing regulations under subsection (9) (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.

Changes to legislation: There are currently no known outstanding effects for the Trade Act 2021, PART 4. (See end of Document for details)

(11) In this section—

“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);

“public authority” means an authority exercising functions of a public nature.

Commencement Information

I3 S. 14 in force at 30.6.2021 by S.I. 2021/550, reg. 4(d)

15 Offence relating to disclosure under section 14

(1) If a person discloses information in contravention of section 14 which relates to a person whose identity—

- (a) is specified in the disclosure, or
- (b) can be deduced from it,

the person who disclosed the information commits an offence.

(2) It is a defence for a person charged with an offence under this section to prove that the person reasonably believed—

- (a) that the disclosure was lawful, or
- (b) that the information had already lawfully been made available to the public.

(3) A prosecution for an offence under this section—

- (a) may be brought in England and Wales only with the consent of the Director of Public Prosecutions;
- (b) may be brought in Northern Ireland only with the consent of the Director of Public Prosecutions for Northern Ireland.

(4) A person guilty of an offence under this section is liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both, or
- (b) on summary conviction—
 - (i) in England and Wales, to imprisonment for a term not exceeding [^{F1}the general limit in a magistrates’ court], to a fine or to both;
 - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both;
 - (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding the statutory maximum or to both.

(5) In relation to an offence committed before [^{F2}May 2022], the reference in subsection (4)(b)(i) to [^{F3}the general limit in a magistrates’ court] is to be read as a reference to 6 months.

Textual Amendments

F1 Words in s. 15(4)(b)(i) substituted (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), 2(1), [Sch. Pt. 1](#)

Changes to legislation: There are currently no known outstanding effects for the Trade Act 2021, PART 4. (See end of Document for details)

- F2** Words in s. 15(5) substituted (28.4.2022) by The Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022 (S.I. 2022/500), regs. 1(2), 5(1), **Sch. Pt. 1**
- F3** Words in s. 15(5) substituted (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), 2(1), **Sch. Pt. 1**

Commencement Information

- I4** S. 15 in force at 30.6.2021 by S.I. 2021/550, **reg. 4(e)**

Changes to legislation:

There are currently no known outstanding effects for the Trade Act 2021, PART 4.