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STATUTORY INSTRUMENTS

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**1991 No. 2779**

**STATISTICS OF TRADE**

The Provision of Confidential Statistical Information to  
the Statistical Office of the European Communities  
(Restriction on Disclosure) Regulations 1991

<i>Made</i>	- - - -	<i>7th December 1991</i>
<i>Laid before Parliament</i>		<i>10th December 1991</i>
<i>Coming into force</i>	- -	<i>1st January 1992</i>

The Chancellor of the Exchequer, being the Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to confidentiality of statistical information transmitted to the Statistical Office of the European Communities, in exercise of the powers conferred upon him by the said section 2(2) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Provision of Confidential Statistical Information to the Statistical Office of the European Communities (Restriction on Disclosure) Regulations 1991 and shall come into force on 1st January 1992.

**Interpretation**

2. In these Regulations—

“confidential statistical information” means statistical information which has been—

- (a) declared or classified as confidential in accordance with its law or national practice by the member State providing it, and
- (b) provided to the SOEC by a member State in accordance with article 3 of Council Regulation (EURATOM, EEC) No. 1588/90 on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities<sup>(3)</sup>;

“the SOEC” means the Statistical Office of the European Communities.

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(1) S.I.1991/2289.

(2) 1972 c. 68.

(3) OJ No. L151, 15.6.90, p.1.

### **Offence to disclose without authorisation**

3.—(1) If any officer or employee of the SOEC or any individual who, under a contract for services with the SOEC, is required to carry out duties on the premises of the SOEC, knowingly or recklessly discloses within Great Britain confidential statistical information without the authority of the member State who provided that information to the SOEC, that person shall be guilty of an offence and liable—

- (a) on summary conviction, to imprisonment for a term not exceeding three months, or a fine not exceeding the statutory maximum, or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years, or a fine, or both.

(2) Summary proceedings in Scotland for an offence against these Regulations shall not be commenced after the expiration of 3 years from the commission of the offence. Subject to this (and notwithstanding anything in section 331 of the Criminal Procedure (Scotland) Act 1975<sup>(4)</sup>) such proceedings may (in Scotland) be commenced at any time within 12 months after the date on which evidence sufficient in the Lord Advocate's opinion to justify the proceedings came to his knowledge; and sub-section (3) of that section applies for the purpose of this paragraph as it applies for the purpose of that section.

(3) For the purposes of paragraph (2) above, a certificate of the Lord Advocate as to the date on which such evidence as is referred to in that paragraph came to his knowledge is conclusive of that fact.

7th December 1991

*Norman Lamont*  
Chancellor of the Exchequer

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(4) 1975 c. 21

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement article 6 of Council Regulation (EURATOM, EEC) No. 1588/90 of 11th June 1990 on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities (“the SOEC”).

The Regulations make it an offence for an officer or employee of the SOEC or an individual working under a contract for services with the SOEC on its premises knowingly or recklessly to disclose within Great Britain statistical information which has been provided by a member State to the SOEC in accordance with article 3 of the Council Regulation and which has been declared or classified as confidential by the member State in accordance with its law or national practice.

The offence is punishable on summary conviction by a term of imprisonment not exceeding three months, or a fine not exceeding the statutory maximum, or both, or on conviction on indictment by a term of imprisonment not exceeding two years, or a fine, or both.