



Criminal Procedure and Investigations Act 1996

1996 CHAPTER 25

PART I

DISCLOSURE

Confidentiality

18 Confidentiality: contravention

- (1) It is a contempt of court for a person knowingly to use or disclose an object or information recorded in it if the use or disclosure is in contravention of section 17.
- (2) The following courts have jurisdiction to deal with a person who is guilty of a contempt under this section—
 - (a) a magistrates' court, where this Part applies by virtue of section 1(1);
 - (b) the Crown Court, where this Part applies by virtue of section 1(2).
- (3) A person who is guilty of a contempt under this section may be dealt with as follows—
 - (a) a magistrates' court may commit him to custody for a specified period not exceeding six months or impose on him a fine not exceeding £5,000 or both;
 - (b) the Crown Court may commit him to custody for a specified period not exceeding two years or impose a fine on him or both.
- (4) If—
 - (a) a person is guilty of a contempt under this section, and
 - (b) the object concerned is in his possession,the court finding him guilty may order that the object shall be forfeited and dealt with in such manner as the court may order.

Status: This is the original version (as it was originally enacted).

- (5) The power of the court under subsection (4) includes power to order the object to be destroyed or to be given to the prosecutor or to be placed in his custody for such period as the court may specify.
- (6) If—
- (a) the court proposes to make an order under subsection (4), and
 - (b) the person found guilty, or any other person claiming to have an interest in the object, applies to be heard by the court,
- the court must not make the order unless the applicant has been given an opportunity to be heard.
- (7) If—
- (a) a person is guilty of a contempt under this section, and
 - (b) a copy of the object concerned is in his possession,
- the court finding him guilty may order that the copy shall be forfeited and dealt with in such manner as the court may order.
- (8) Subsections (5) and (6) apply for the purposes of subsection (7) as they apply for the purposes of subsection (4), but as if references to the object were references to the copy.
- (9) An object or information shall be inadmissible as evidence in civil proceedings if to adduce it would in the opinion of the court be likely to constitute a contempt under this section; and “the court” here means the court before which the civil proceedings are being taken.
- (10) The powers of a magistrates' court under this section may be exercised either of the court's own motion or by order on complaint.