



Anti-terrorism, Crime and Security Act 2001

2001 CHAPTER 24

PART 3

DISCLOSURE OF INFORMATION

17 Extension of existing disclosure powers

- (1) This section applies to the provisions listed in Schedule 4, so far as they authorise the disclosure of information.
- (2) Each of the provisions to which this section applies shall have effect, in relation to the disclosure of information by or on behalf of a public authority, as if the purposes for which the disclosure of information is authorised by that provision included each of the following—
 - (a) the purposes of any criminal investigation whatever which is being or may be carried out, whether in the United Kingdom or elsewhere;
 - (b) the purposes of any criminal proceedings whatever which have been or may be initiated, whether in the United Kingdom or elsewhere;
 - (c) the purposes of the initiation or bringing to an end of any such investigation or proceedings;
 - (d) the purpose of facilitating a determination of whether any such investigation or proceedings should be initiated or brought to an end.
- (3) The Treasury may by order made by statutory instrument add any provision contained in any subordinate legislation to the provisions to which this section applies.
- (4) The Treasury shall not make an order under subsection (3) unless a draft of it has been laid before Parliament and approved by a resolution of each House.
- (5) No disclosure of information shall be made by virtue of this section unless the public authority by which the disclosure is made is satisfied that the making of the disclosure is proportionate to what is sought to be achieved by it.

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- (6) Nothing in this section shall be taken to prejudice any power to disclose information which exists apart from this section.
- (7) The information that may be disclosed by virtue of this section includes information obtained before the commencement of this section.

Modifications etc. (not altering text)

- C1** S. 17 applied (N.I.) (1.4.2007) by [The Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#), arts. 1(2)(3), **265(3)** (with arts. 8(9), 121(3), 307); S.R. 2007/194, **art. 2**, Sch. 1 Pt. 2 (with art. 3, Sch. 2)

18 Restriction on disclosure of information for overseas purposes

- (1) Subject to subsections (2) and (3), the Secretary of State may give a direction which—
- (a) specifies any overseas proceedings or any description of overseas proceedings; and
 - (b) prohibits the making of any relevant disclosure for the purposes of those proceedings or, as the case may be, of proceedings of that description.
- (2) In subsection (1) the reference, in relation to a direction, to a relevant disclosure is a reference to a disclosure authorised by any of the provisions to which section 17 applies which—
- (a) is made for a purpose mentioned in subsection (2)(a) to (d) of that section; and
 - (b) is a disclosure of any such information as is described in the direction.
- (3) The Secretary of State shall not give a direction under this section unless it appears to him that the overseas proceedings in question, or that overseas proceedings of the description in question, relate or would relate—
- (a) to a matter in respect of which it would be more appropriate for any jurisdiction or investigation to be exercised or carried out by a court or other authority of the United Kingdom, or of a particular part of the United Kingdom;
 - (b) to a matter in respect of which it would be more appropriate for any jurisdiction or investigation to be exercised or carried out by a court or other authority of a third country; or
 - (c) to a matter that would fall within paragraph (a) or (b)—
 - (i) if it were appropriate for there to be any exercise of jurisdiction or investigation at all; and
 - (ii) if (where one does not exist) a court or other authority with the necessary jurisdiction or functions existed in the United Kingdom, in the part of the United Kingdom in question or, as the case may be, in the third country in question.
- (4) A direction under this section shall not have the effect of prohibiting—
- (a) the making of any disclosure by a Minister of the Crown or by the Treasury; or
 - (b) the making of any disclosure in pursuance of ^[F1]an EU] obligation.
- (5) A direction under this section—
- (a) may prohibit the making of disclosures absolutely or in such cases, or subject to such conditions as to consent or otherwise, as may be specified in it; and

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- (b) must be published or otherwise issued by the Secretary of State in such manner as he considers appropriate for bringing it to the attention of persons likely to be affected by it.
- (6) A person who, knowing of any direction under this section, discloses any information in contravention of that direction shall be guilty of an offence and liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both;
- (b) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding the statutory maximum or to both.
- (7) The following are overseas proceedings for the purposes of this section—
- (a) criminal proceedings which are taking place, or will or may take place, in a country or territory outside the United Kingdom;
- (b) a criminal investigation which is being, or will or may be, conducted by an authority of any such country or territory.
- (8) References in this section, in relation to any proceedings or investigation, to a third country are references to any country or territory outside the United Kingdom which is not the country or territory where the proceedings are taking place, or will or may take place or, as the case may be, is not the country or territory of the authority which is conducting the investigation, or which will or may conduct it.
- (9) In this section “court” includes a tribunal of any description.

Textual Amendments

- F1** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011](#) (S.I. 2011/1043), arts. 2, 3, 6 (with art. 3(2)(3)4(2)6(4)(5))

Modifications etc. (not altering text)

- C2** S. 18 applied (N.I.) (6.4.2005) by [The Pensions \(Northern Ireland\) Order 2005](#) (S.I. 2005/255 (N.I. 1)), arts. 1, **78(3)** (with art. 285); S.R. 2005/48, art. **2(7)**, Sch. Pt. 7
- S. 18 applied (N.I.) (6.4.2005) by [The Pensions \(Northern Ireland\) Order 2005](#) (S.I. 2005/255 (N.I. 1)), arts. 1, **82(11)** (with art. 285); S.R. 2005/48, art. **2(7)**, Sch. Pt. 7
- S. 18 applied (N.I.) (6.4.2005) by [The Pensions \(Northern Ireland\) Order 2005](#) (S.I. 2005/255 (N.I. 1)), arts. 1, **183(11)** (with art. 285); S.R. 2005/48, art. **2(7)**, Sch. Pt. 7
- S. 18 applied (8.2.2007) by [Wireless Telegraphy Act 2006](#) (c. 36), ss. **111(8)**, 126 (with s. 111(7))
- S. 18 applied (N.I.) (1.4.2007) by [The Water and Sewerage Services \(Northern Ireland\) Order 2006](#) (S.I. 2006/3336 (N.I. 21)), arts. 1(2)(3), **265(3)** (with arts. 8(9), 121(3), 307); S.R. 2007/194, art. **2**, Sch. 1 Pt. 2 (with art. 3, Sch. 2)
- C3** S. 18 applied (with modifications) (24.3.2003) by [Proceeds of Crime Act 2002](#) (c. 29), ss. **442**, 458(1); S.I. 2003/333, art. **2**, Sch. 1 (with transitional provisions in arts. 3-13) (as amended by S.I. 2003/531)
- S. 18 applied (25.7.2003 for specified purposes and 29.12.2003 for specified purposes) by [Communications Act 2003](#) (c. 21), ss. **393(9)**, 408, 411(2)(3) (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with arts. 3-6); S.I. 2003/3142, art. **3(2)**
- S. 18 applied (6.4.2005) by [Pensions Act 2004](#) (c. 35), ss. **83(3)**, 322 (with s. 313); S.I. 2005/275, art. **2**, Sch. Pt. 7
- S. 18 applied (6.4.2005) by [Pensions Act 2004](#) (c. 35), ss. **87(11)**, 322 (with s. 313); S.I. 2005/275, art. **2**, Sch. Pt. 7
- S. 18 applied (6.4.2005) by [Pensions Act 2004](#) (c. 35), ss. **201(11)**, 322 (with s. 313); S.I. 2005/275, art. **2**, Sch. Pt. 7

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- C4** S. 18 applied (20.10.2009) by [Identity Cards Act 2006 \(c. 15\)](#), **ss. 18(3)**, 44(3); S.I. 2009/2565, art. 2(7)(q)
- C5** S. 18 applied (25.3.2010) by [Cluster Munitions \(Prohibitions\) Act 2010 \(c. 11\)](#), **ss. 23(3)**, 34(1) (with s. 32)

19 Disclosure of information held by revenue departments

- (1) This section applies to information which is held by or on behalf of the Commissioners of Inland Revenue or by or on behalf of the Commissioners of Customs and Excise, including information obtained before the coming into force of this section.
- (2) No obligation of secrecy imposed by statute or otherwise prevents the disclosure, in accordance with the following provisions of this section, of information to which this section applies if the disclosure is made—
 - ^{F2}(a)
 - (b) for the purposes of any criminal investigation whatever which is being or may be carried out, whether in the United Kingdom or elsewhere;
 - (c) for the purposes of any criminal proceedings whatever which have been or may be initiated, whether in the United Kingdom or elsewhere;
 - (d) for the purposes of the initiation or bringing to an end of any such investigation or proceedings; or
 - (e) for the purpose of facilitating a determination of whether any such investigation or proceedings should be initiated or brought to an end.
- (3) No disclosure of information to which this section applies shall be made by virtue of this section unless the person by whom the disclosure is made is satisfied that the making of the disclosure is proportionate to what is sought to be achieved by it.
- (4) Information to which this section applies shall not be disclosed by virtue of this section except by the Commissioners by or on whose behalf it is held or with their authority.
- (5) Information obtained by means of a disclosure authorised by subsection (2) shall not be further disclosed except—
 - (a) for a purpose mentioned in that subsection; and
 - (b) with the consent of the Commissioners by whom or with whose authority it was initially disclosed;

and information so obtained otherwise than by or on behalf of any of the intelligence services shall not be further disclosed (with or without such consent) to any of those services, or to any person acting on behalf of any of those services, except for a purpose mentioned in paragraphs (b) to (e) of that subsection.
- (6) A consent for the purposes of subsection (5) may be given either in relation to a particular disclosure or in relation to disclosures made in such circumstances as may be specified or described in the consent.
- (7) Nothing in this section authorises the making of any disclosure which is prohibited by any provision of the Data Protection Act 1998 (c. 29).
- (8) References in this section to information which is held on behalf of the Commissioners of Inland Revenue or of the Commissioners of Customs and Excise include references to information which—

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- (a) is held by a person who provides services to the Commissioners of Inland Revenue or, as the case may be, to the Commissioners of Customs and Excise; and
 - (b) is held by that person in connection with the provision of those services.
- (9) In this section “intelligence service” has the same meaning as in the Regulation of Investigatory Powers Act 2000 (c. 23).
- (10) Nothing in this section shall be taken to prejudice any power to disclose information which exists apart from this section.

Textual Amendments

- F2** S. 19(2)(a) repealed (24.12.2008) by Counter-Terrorism Act 2008 (c. 28), s. 100(5), Sch. 1 para. 1, Sch. 9 Pt. 2 (with s. 101(2)); S.I. 2008/3296, art. 2

20 Interpretation of Part 3

- (1) In this Part—
- “criminal investigation” means an investigation of any criminal conduct, including an investigation of alleged or suspected criminal conduct and an investigation of whether criminal conduct has taken place;
 - “information” includes—
 - (a) documents; and
 - (b) in relation to a disclosure authorised by a provision to which section 17 applies, anything that falls to be treated as information for the purposes of that provision;
 - “public authority” has the same meaning as in section 6 of the Human Rights Act 1998 (c. 42); and
 - “subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30).
- (2) Proceedings outside the United Kingdom shall not be taken to be criminal proceedings for the purposes of this Part unless the conduct with which the defendant in those proceedings is charged is criminal conduct or conduct which, to a substantial extent, consists of criminal conduct.
- (3) In this section—
- “conduct” includes acts, omissions and statements; and
 - “criminal conduct” means any conduct which—
 - (a) constitutes one or more criminal offences under the law of a part of the United Kingdom; or
 - (b) is, or corresponds to, conduct which, if it all took place in a particular part of the United Kingdom, would constitute one or more offences under the law of that part of the United Kingdom.

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