



Digital Switchover (Disclosure of Information) Act 2007

2007 CHAPTER 8

3 Offences

- (1) A relevant person must not disclose without lawful authority any information supplied to him or another relevant person under section 1.
- (2) A person—
 - (a) who is or who has been employed by a relevant person,
 - (b) who is or who has been engaged—
 - (i) in the provision of services to a relevant person in connection with the carrying out of a switchover help function, or
 - (ii) to carry out any switchover help function, or to carry out any function in connection with the carrying out of a switchover help function, or
 - (c) who is or who has been employed by, or who is or who has been engaged in the provision of services to, or to carry out a function for, a person mentioned in paragraph (b),must not disclose without lawful authority information supplied to a relevant person under section 1.
- (3) A person who contravenes subsection (1) or (2) commits an offence.
- (4) It is not an offence under this section—
 - (a) to disclose information in the form of a summary or collection of information so framed as not to enable information supplied under section 1 relating to any particular person to be ascertained from it; or
 - (b) to disclose information which has previously been disclosed to the public with lawful authority.
- (5) It is a defence for a person charged with an offence under this section to prove that at the time of the alleged offence he believed—
 - (a) that he was making the disclosure in question with lawful authority, or

Changes to legislation: There are currently no known outstanding effects for the Digital Switchover (Disclosure of Information) Act 2007, Section 3. (See end of Document for details)

- (b) that the information in question had previously been disclosed to the public with lawful authority,
and that he had no reasonable cause to believe otherwise.
- (6) For the purposes of this section, a disclosure is to be regarded as made with lawful authority if, but only if, it is made—
- (a) for the purpose of carrying out a switchover help function, or for doing anything connected with the carrying out of a switchover help function;
 - (b) in accordance with any enactment or court order;
 - (c) for the purpose of instituting, or otherwise for the purposes of, proceedings before a court; or
 - (d) with the consent of the person to whom the information relates or of any person authorised to act on that person's behalf.
- (7) 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, or to a fine, or both; or
 - (b) on summary conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or both.
- [^{F1}(7A) In the application of this section in England and Wales, the reference in subsection (7) (b) to 12 months is to be read as a reference to the general limit in a magistrates' court (or to 6 months in relation to an offence committed before 2 May 2022).]
- (8) In the application of this section—
- ^{F2}(a)
 - (b) in Scotland, until the commencement of section 45(1) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), or
 - (c) in Northern Ireland,
- the reference in subsection (7)(b) to 12 months is to be read as a reference to 6 months.

Textual Amendments

- F1** S. 3(7A) inserted (E.W.) (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), **13(2)** (as amended (18.10.2023) by [S.I. 2023/1108](#), regs. 1(2), **3(1)**)
- F2** S. 3(8)(a) omitted (E.W.) (7.2.2023 at 12.00 p.m.) by virtue of [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), **13(3)**
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Modifications etc. (not altering text)

- C1** Ss. 1-5 extended (Isle of Man) (with modifications) (1.1.2008) by [Digital Switchover \(Disclosure of Information\) \(Isle of Man\) Order 2007 \(S.I. 2007/3472\)](#), art. 1(1), **Sch.**

Changes to legislation:

There are currently no known outstanding effects for the Digital Switchover (Disclosure of Information) Act 2007, Section 3.