

SCHEDULES

SCHEDULE 7

INFORMATION: RESTRICTIONS ON DISCLOSURE

PART 5

OFFENCES RELATING TO WRONGFUL DISCLOSURE OF INFORMATION

- 10 (1) An NCA officer commits an offence if—
- (a) the NCA officer discloses information, and
 - (b) that disclosure breaches the duty under—
 - (i) paragraph 2(1) (disclosure of HMRC information, personal customs information or personal revenue customs information), or
 - (ii) paragraph 3(1) (disclosure of social security information).
- (2) A person commits an offence if—
- (a) the person further discloses information, and
 - (b) that further disclosure breaches the duty under—
 - (i) paragraph 2(2) (further disclosure of HMRC information, personal customs information or personal revenue customs information), or
 - (ii) paragraph 3(2) (further disclosure of social security information).
- (3) It is a defence for a person charged with an offence under this paragraph to prove that the person reasonably believed—
- (a) that the disclosure was lawful, or
 - (b) that the information disclosed had already and lawfully been made available to the public.
- (4) A prosecution for an offence under this paragraph—
- (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.
- (5) This paragraph is without prejudice to the pursuit of any remedy or the taking of any action in relation to a breach of a relevant duty.
- (6) A person guilty of an offence under this paragraph is liable on conviction on indictment to either or both of the following—
- (a) imprisonment for a term not exceeding 2 years;
 - (b) a fine.
- (7) A person guilty of an offence under this paragraph is liable on summary conviction to either or both of the following—
- (a) imprisonment for a term not exceeding—

Status: This is the original version (as it was originally enacted).

- (i) 12 months on conviction in England and Wales;
 - (ii) 12 months on conviction in Scotland;
 - (iii) 6 months on conviction in Northern Ireland;
 - (b) a fine not exceeding the statutory maximum.
- (8) In relation to an offence committed before the commencement of section 282 of the Criminal Justice Act 2003 (increase in maximum sentence on summary conviction of offence triable either way), the reference in sub-paragraph (7)(a)(i) to the period of 12 months is to be read as a reference to the period of 6 months.