

# CRIME AND COURTS ACT 2013

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1: The National Crime Agency**

#### *Schedule 7: Information: restrictions on disclosure*

#### **Part 5: Offences relating to wrongful disclosure of information**

249. *Paragraph 10* covers the offence of wrongful disclosure of information. *Sub-paragraph (1)* provides that an NCA officer commits an offence by disclosing information in breach of a relevant duty. *Sub-paragraph (2)* provides that any person commits an offence if they disclose information that breached a relevant duty. *Sub-paragraph (3)* provides for the defence by a person charged with this offence that the disclosure was either lawful or that the information had already and lawfully been made available to the public. *Sub-paragraph (4)* covers the consent for a prosecution to be made in England and Wales and Northern Ireland. *Sub-paragraph (5)* provides that this offence does not prejudice the pursuit of any remedy or action taken in relation to a breach of a relevant duty. *Sub-paragraph (6)* states that a person guilty of the offence is liable on conviction on indictment to either a prison term not exceeding 2 years or a fine, or both. *Sub-paragraph (7)* provides that a person guilty of the offence is liable on summary conviction to either a prison term not exceeding 12 months in England and Wales and in Scotland, or 6 months on conviction in Northern Ireland, or a fine not exceeding the statutory maximum, or both. *Sub-paragraph (8)* provides that the maximum prison term in England and Wales is 6 months for an offence committed before the commencement of section 282 of the Criminal Justice Act 2003.
250. *Paragraph 11* provides that consent to a disclosure of information under any provision of Schedule 7 may be given in relation to a particular disclosure or disclosures made in circumstances specified or described in the consent.
251. *Paragraph 12* defines the terms “Commissioners” and “PCA 2002” used in this Schedule.