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**Changes to legislation:** Defence Reform Act 2014, Cross Heading: Power to prohibit disclosure is up to date with all changes known to be in force on or before 17 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 5

#### RESTRICTIONS ON DISCLOSING INFORMATION

##### *Power to prohibit disclosure*

- 6 (1) The Secretary of State may by order—
- (a) prohibit the disclosure of information to which this Schedule applies;
  - (b) provide that a prohibition imposed by virtue of paragraph (a) is subject to exceptions corresponding to those set out in paragraphs 3 to 5 (other than paragraph 5(1)(g));
  - (c) provide that a person who discloses information in contravention of such a prohibition commits an offence punishable—
    - (i) on summary conviction, with imprisonment for not more than 12 months or with a fine not exceeding the statutory maximum (or both), or
    - (ii) on conviction on indictment, with imprisonment for not more than two years or with a fine (or both).
- [<sup>F1</sup>(1A) In the application of this paragraph in England and Wales, the reference in sub-paragraph (1)(c)(i) 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).]
- (2) The reference in sub-paragraph (1)(c)(i) to 12 months is to be read as a reference to 6 months—
- <sup>F2</sup>(a) .....
  - (b) in its application to Northern Ireland.
- (3) An order under sub-paragraph (1) may repeal paragraphs 2 to 5.
- (4) If section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force on or before the day on which this Act is passed—
- (a) section 85 of that Act (removal of limit on certain fines on conviction by magistrates' court) applies in relation to the power under sub-paragraph (1)(c)(i) on or after that day as if it were a relevant power (as defined in section 85(3) of that Act), and
  - (b) regulations described in section 85(11) of that Act may amend, repeal or otherwise modify sub-paragraph (1)(c)(i).
- (5) An order under sub-paragraph (1) is to be made by statutory instrument.
- (6) A statutory instrument containing an order under sub-paragraph (1) may not be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.

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#### Textual Amendments

- F1** Sch. 5 para. 6(1A) inserted (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), **29(4)**
- F2** Sch. 5 para. 6(2)(a) omitted (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), **29(5)**
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#### Commencement Information

- I1** Sch. 5 para. 6(1)-(3) (5) (6) in force at 5.12.2014 by S.I. 2014/3162, **art. 3(g)**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 25(8A) inserted by [2023 c. 54 Sch. 10 para. 13\(3\)](#)
- s. 35A inserted by [2023 c. 54 Sch. 10 para. 19](#)