



# Legal Aid Act 1988

## 1988 CHAPTER 34

### PART VII

#### GENERAL AND SUPPLEMENTARY

#### **38 Restriction of disclosure of information**

- (1) Subject to the following provisions of this section, no information furnished for the purposes of this Act to the Board or any court or other person or body of persons upon whom functions are imposed or conferred by regulations and so furnished in connection with the case of a person seeking or receiving advice, assistance or representation shall be disclosed otherwise than—
  - (a) for the purpose of enabling or assisting the Lord Chancellor to perform his functions under or in relation to this Act,
  - (b) for the purpose of enabling the Board to discharge its functions under this Act,
  - (c) for the purpose of facilitating the proper performance by any court, tribunal or other person or body of persons of functions under this Act,
  - (d) with a view to the institution of, or otherwise for the purposes of, any criminal proceedings for an offence under this Act,
  - (e) in connection with any other proceedings under this Act, or
  - (f) for the purpose of facilitating the proper performance by any tribunal of disciplinary functions as regards barristers or solicitors.
- (2) This section does not apply to information in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it.
- (3) Subsection (1) above shall not prevent the disclosure of information for any purpose with the consent of the person in connection with whose case it was furnished and, where he did not furnish it himself, with that of the person or body of persons who did.
- (4) A person who, in contravention of this section, discloses any information furnished to the Board or any court or other person or body of persons for the purposes of this Act

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*Status: This is the original version (as it was originally enacted).*

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shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

- (5) Proceedings for an offence under this section shall not be brought without the written consent of the Attorney General.
- (6) For the avoidance of doubt it is hereby declared that information furnished to counsel or a solicitor as such by or on behalf of a person seeking or receiving advice, assistance or representation under this Act is not information furnished to the Board or a person upon whom functions are imposed or conferred as mentioned in subsection (1) above.