



# Criminal Appeal Act 1995

## 1995 CHAPTER 35

### PART II

#### THE CRIMINAL CASES REVIEW COMMISSION

##### *Disclosure of information*

#### **23 Offence of disclosure.**

- (1) A person who is or has been a member or employee of the Commission shall not disclose any information obtained by the Commission in the exercise of any of their functions unless the disclosure of the information is excepted from this section by section 24.
- (2) A person who is or has been an investigating officer shall not disclose any information obtained by him in his inquiries unless the disclosure of the information is excepted from this section by section 24.
- (3) A member of the Commission shall not authorise—
  - (a) the disclosure by an employee of the Commission of any information obtained by the Commission in the exercise of any of their functions, or
  - (b) the disclosure by an investigating officer of any information obtained by him in his inquiries,unless the authorisation of the disclosure of the information is excepted from this section by section 24.
- (4) A person who contravenes this section is guilty of an offence and liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale.

#### **24 Exceptions from obligations of non-disclosure.**

- (1) The disclosure of information, or the authorisation of the disclosure of information, is excepted from section 23 by this section if the information is disclosed, or is authorised to be disclosed—

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- (a) for the purposes of any criminal, disciplinary or civil proceedings,
  - (b) in order to assist in dealing with an application made to the Secretary of State <sup>[F1]</sup>or the Department of Justice in Northern Ireland] for compensation for a miscarriage of justice,
  - (c) by a person who is a member or an employee of the Commission either to another person who is a member or an employee of the Commission or to an investigating officer,
  - (d) by an investigating officer to a member or an employee of the Commission,
  - (e) in any statement or report required by this Act,
  - (f) in or in connection with the exercise of any function under this Act, or
  - (g) in any circumstances in which the disclosure of information is permitted by an order made by the Secretary of State.
- (2) The disclosure of information is also excepted from section 23 by this section if the information is disclosed by an employee of the Commission, or an investigating officer, who is authorised to disclose the information by a member of the Commission.
- (3) The disclosure of information, or the authorisation of the disclosure of information, is also excepted from section 23 by this section if the information is disclosed, or is authorised to be disclosed, for the purposes of—
- (a) the investigation of an offence, or
  - (b) deciding whether to prosecute a person for an offence,
- unless the disclosure is or would be prevented by an obligation of secrecy or other limitation on disclosure (including any such obligation or limitation imposed by or by virtue of an enactment) arising otherwise than under that section.
- (4) Where the disclosure of information is excepted from section 23 by subsection (1) or (2), the disclosure of the information is not prevented by any obligation of secrecy or other limitation on disclosure (including any such obligation or limitation imposed by or by virtue of an enactment) arising otherwise than under that section.
- (5) The power to make an order under subsection (1)(g) is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **Textual Amendments**

**F1** Words in s. 24(1)(b) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 6 para. 7** (with arts. 28-31)

## **25 Consent to disclosure.**

- (1) Where a person on whom a requirement is imposed under section 17 <sup>[F2]</sup>or by an order under section 18A] notifies the Commission that any information contained in any document or other material to which the requirement relates is not to be disclosed by the Commission without his prior consent, the Commission shall not disclose the information without such consent.
- (2) Such consent may not be withheld unless—
- (a) (apart from section 17 <sup>[F3]</sup>or 18A]) the person would have been prevented by any obligation of secrecy or other limitation on disclosure from disclosing the information to the Commission, and

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- (b) it is reasonable for the person to withhold his consent to disclosure of the information by the Commission.
- (3) An obligation of secrecy or other limitation on disclosure which applies to a person only where disclosure is not authorised by another person shall not be taken for the purposes of subsection (2)(a) to prevent the disclosure by the person of information to the Commission unless—
- (a) reasonable steps have been taken to obtain the authorisation of the other person, or
  - (b) such authorisation could not reasonably be expected to be obtained.

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**Textual Amendments**

- F2** Words in s. 25(1) inserted (12.7.2016) by [Criminal Cases Review Commission \(Information\) Act 2016 \(c. 17\)](#), **ss. 1(3)(a)**, 2(2)
- F3** Words in s. 25(2)(a) inserted (12.7.2016) by [Criminal Cases Review Commission \(Information\) Act 2016 \(c. 17\)](#), **ss. 1(3)(b)**, 2(2)

**Changes to legislation:**

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