



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 10

INFORMATION

England and Wales and Northern Ireland

436 Disclosure of information to [^{F1}certain [^{F2}Directors]][^{F2}authorities]]

- (1) Information which is held by or on behalf of a permitted person (whether it was obtained before or after the coming into force of [^{F3}subsection (10)]) may be disclosed to [^{F4}the Director][^{F4}a relevant authority] for the purpose of the exercise by [^{F5}the Director][^{F5}the authority] of [^{F6}his][^{F6}the authority's] functions [^{F7}under, or in relation to, Part 5 or 8].
- (2) A disclosure under this section is not to be taken to breach any restriction on the disclosure of information (however imposed).
- (3) But nothing in this section authorises the making of a disclosure—
 - (a) which contravenes [^{F8}the data protection legislation];
 - (b) which is prohibited by [^{F9}any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016].
- (4) This section does not affect a power to disclose which exists apart from this section.
- (5) These are permitted persons—
 - (a) a constable;
 - ^{F10}(b)
 - (d) the Director of the Serious Fraud Office;
 - (e) the Commissioners of Inland Revenue;
 - (f) the Commissioners of Customs and Excise;
 - (g) the Director of Public Prosecutions;
 - ^{F11}(ga)

Status: Point in time view as at 25/11/2019. This version of this provision has been superseded.

Changes to legislation: Proceeds of Crime Act 2002, Section 436 is up to date with all changes known to be in force on or before 02 October 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)

- (h) the Director of Public Prosecutions for Northern Ireland.
- [^{F12}(i) the Financial Conduct Authority.]
- (6) The Secretary of State may by order designate as permitted persons other persons who exercise functions which he believes are of a public nature.
- (7) But an order under subsection (6) must specify the functions in respect of which the designation is made.
- [^{F13}(7A) In relation to persons exercising functions in Northern Ireland, any reference in subsection (6) to the Secretary of State must be read as a reference to the Department of Justice in Northern Ireland.]
- (8) Information must not be disclosed under this section on behalf of the Commissioners of Inland Revenue or on behalf of the Commissioners of Customs and Excise unless the Commissioners concerned authorise the disclosure.
- (9) The power to authorise a disclosure under subsection (8) may be delegated (either generally or for a specified purpose)—
- (a) in the case of the Commissioners of Inland Revenue, to an officer of the Board of Inland Revenue;
 - (b) in the case of the Commissioners of Customs and Excise, to a customs officer.
- [^{F14}(10) In this section [^{F15}“the Director”][^{F15}“relevant authority”] has the same meaning as in section 435.]

Textual Amendments

- F1** Words in s. 436 heading substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), **Sch. 8 para. 132(2)**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F2** Word in s. 436 heading substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), **Sch. 5 para. 78(2)** (with Sch. 5 para. 78(6)); S.I. 2018/78, reg. 5(1)(e)
- F3** Words in s. 436(1) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), **Sch. 8 para. 132(3)(a)**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F4** Words in s. 436(1) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), **Sch. 5 para. 78(3)(a)** (with Sch. 5 para. 78(6)); S.I. 2018/78, reg. 5(1)(e)
- F5** Words in s. 436(1) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), **Sch. 5 para. 78(3)(b)** (with Sch. 5 para. 78(6)); S.I. 2018/78, reg. 5(1)(e)
- F6** Words in s. 436(1) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), **Sch. 5 para. 78(3)(c)** (with Sch. 5 para. 78(6)); S.I. 2018/78, reg. 5(1)(e)
- F7** Words in s. 436(1) inserted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), **Sch. 8 para. 132(3)(b)**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F8** Words in s. 436(3)(a) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 81** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F9** Words in s. 436(3)(b) substituted (27.6.2018) by [Investigatory Powers Act 2016 \(c. 25\)](#), s. 272(1), **Sch. 10 para. 12(2)** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/652, reg. 12(g)(iii)
- F10** S. 436(5)(b) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), Sch. 8 para. 132(4), **Sch. 14**; S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)
- F11** S. 436(5)(ga) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), Sch. 8 para. 132(4), **Sch. 14**; S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)

Status: Point in time view as at 25/11/2019. This version of this provision has been superseded.

Changes to legislation: Proceeds of Crime Act 2002, Section 436 is up to date with all changes known to be in force on or before 02 October 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)

- F12** S. 436(5)(i) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force) by Criminal Finances Act 2017 (c. 22), s. 58(5)(6), **Sch. 5 para. 78(4)** (with Sch. 5 para. 78(6)); S.I. 2018/78, reg. 5(1)(e)
- F13** S. 436(7A) 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. 14 para. 69** (with arts. 28-31)
- F14** S. 436(10) inserted (1.4.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 8 para. 132(5)**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F15** Words in s. 436(10) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force) by Criminal Finances Act 2017 (c. 22), s. 58(5)(6), **Sch. 5 para. 78(5)** (with Sch. 5 para. 78(6)); S.I. 2018/78, reg. 5(1)(e)

Commencement Information

- I1** S. 436 in force at 24.2.2003 for specified purposes by S.I. 2003/120, art. 2, **Sch.** (with arts. 3, 4) (as amended (20.2.2003) by S.I. 2003/333, art. 14)
- I2** S. 436 in force at 24.3.2003 in so far as not already in force by S.I. 2003/333, art. 2, **Sch.**

Status:

Point in time view as at 25/11/2019. This version of this provision has been superseded.

Changes to legislation:

Proceeds of Crime Act 2002, Section 436 is up to date with all changes known to be in force on or before 02 October 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.