



## 2021 CHAPTER 3

### *Administrative and operational requirements*

#### **Offence of unauthorised disclosure**

**10.**—(1) Without prejudice to the operation of the Official Secrets Acts 1911 to 1989 and save in the discharge of a statutory obligation or in the lawful pursuit of official duties, it shall be an offence for any Minister or special adviser to communicate official information to another for the improper (financial or other) benefit of any person.

(2) In proceedings in respect of a charge against a person (“A”) of the offence under subsection (1), it is a defence for A to show that the course of behaviour was reasonable in the particular circumstances or was in the public interest.

(3) A person is taken to have shown the fact mentioned in subsection (2) if—

- (a) evidence adduced is enough to raise an issue as to whether the course of behaviour is as described in subsection (2), and
- (b) the prosecution does not prove beyond reasonable doubt that the course of behaviour is not as described in subsection (2).

(4) A person guilty of an offence under this section is liable on conviction—

- (a) on indictment, to imprisonment for a term not exceeding 2 years;
- (b) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both.

(5) In this section “statutory obligation” means—

- (a) an obligation under a statutory provision, as defined by section 1(f) of the Interpretation Act (Northern Ireland) 1954, or
- (b) an obligation under any legislation for the time being in force in any part of Great Britain or in any country or territory outside the United Kingdom.

**Changes to legislation:**

There are currently no known outstanding effects for the Functioning of Government (Miscellaneous Provisions) Act (Northern Ireland) 2021, Section 10.