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DRAFT STATUTORY INSTRUMENTS

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**2004 No.**

**The Environmental Information Regulations 2004**

**PART 5**

*Enforcement and appeals, offences, amendment and revocation*

**Offence of altering records with intent to prevent disclosure**

**19.**—(1) Where—

- (a) a request for environmental information has been made to a public authority under regulation 5; and
- (b) the applicant would have been entitled (subject to payment of any charge) to that information in accordance with that regulation,

any person to whom this paragraph applies is guilty of an offence if he alters, defaces, blocks, erases, destroys or conceals any record held by the public authority, with the intention of preventing the disclosure by that authority of all, or any part, of the information to which the applicant would have been entitled.

(2) Subject to paragraph (5), paragraph (1) applies to the public authority and to any person who is employed by, is an officer of, or is subject to the direction of, the public authority.

(3) A person guilty of an offence under this regulation is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) No proceedings for an offence under this regulation shall be instituted—

- (a) in England and Wales, except by the Commissioner or by or with the consent of the Director of Public Prosecutions; or
- (b) in Northern Ireland, except by the Commissioner or by or with the consent of the Director of Public Prosecutions for Northern Ireland.

(5) A government department is not liable to prosecution in relation to an offence under paragraph (1) but that offence shall apply to a person in the public service of the Crown and to a person acting on behalf of either House of Parliament or on behalf of the Northern Ireland Assembly as it applies to any other person.