



Rehabilitation of Offenders Act 1974

1974 CHAPTER 53

[^{F1}9B] Unauthorised disclosure of spent alternatives to prosecution: Scotland

- (1) In this section—
 - (a) “official record” means a record that—
 - (i) contains information about persons given an alternative to prosecution in respect of an offence, and
 - (ii) is kept for the purposes of its functions by a court, [^{F2}the Police Service of Scotland or another] police force, Government department, part of the Scottish Administration or other local or public authority in Scotland,
 - (b) “relevant information” means information imputing that a named or otherwise identifiable living person has committed, been charged with, prosecuted for or given an alternative to prosecution in respect of an offence which is the subject of an alternative to prosecution which has become spent,
 - (c) “subject of the information”, in relation to relevant information, means the named or otherwise identifiable living person to whom the information relates.
- (2) Subsection (3) applies to a person who, in the course of the person's official duties (anywhere in the United Kingdom), has or has had custody of or access to an official record or the information contained in an official record.
- (3) The person commits an offence if the person—
 - (a) obtains relevant information in the course of the person's official duties,
 - (b) knows or has reasonable cause to suspect that the information is relevant information, and
 - (c) discloses the information to another person otherwise than in the course of the person's official duties.
- (4) Subsection (3) is subject to the terms of an order under subsection (6).
- (5) In proceedings for an offence under subsection (3), it is a defence for the accused to show that the disclosure was made—
 - (a) to the subject of the information or to a person whom the accused reasonably believed to be the subject of the information, or

Status: Point in time view as at 01/04/2013. This version of this provision has been superseded.

Changes to legislation: Rehabilitation of Offenders Act 1974, Section 9B is up to date with all changes known to be in force on or before 17 July 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)

- (b) to another person at the express request of the subject of the information or of a person whom the accused reasonably believed to be the subject of the information.
- (6) The Scottish Ministers may by order provide for the disclosure of relevant information derived from an official record to be excepted from the provisions of subsection (3) in cases or classes of cases specified in the order.
- (7) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (8) A person commits an offence if the person obtains relevant information from an official record by means of fraud, dishonesty or bribery.
- (9) A person guilty of an offence under subsection (8) is liable on summary conviction to a fine not exceeding level 5 on the standard scale, or to imprisonment for a term not exceeding 6 months, or to both.]

Textual Amendments

- F1** S. 9B inserted (S.) (1.11.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 109(3)**, 206(1); S.S.I. 2011/354, **art. 2(1)**, Sch.
- F2** Words in s. 9B(1)(a)(ii) inserted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **sch. 7 para. 3**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

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