



Child Support Act 1991

1991 CHAPTER 48

Miscellaneous and supplemental

50 Unauthorised disclosure of information.

(1) Any person who is, or has been, employed in employment to which [^{F1}this subsection] applies is guilty of an offence if, without lawful authority, he discloses any information which—

- (a) was acquired by him in the course of that employment; and
- (b) relates to a particular person.

[^{F2}(1A) Subsection (1) applies to employment as—

- (a) any clerk to, or other officer of, an appeal tribunal;
- (b) any member of the staff of an appeal tribunal;
- (c) a civil servant in connection with the carrying out of any functions under this Act;
- (d) any member of, or of the staff of, the Commission;
- (e) any person who provides, or is employed in the provision of, services to the Commission,

and to employment of any other kind which is prescribed for the purposes of this subsection.

(1B) Any person who is, or has been, employed in employment to which this subsection applies is guilty of an offence if, without lawful authority, he discloses any information which—

- (a) was acquired by him in the course of that employment;
- (b) is information which is, or is derived from, information acquired or held for the purposes of this Act; and
- (c) relates to a particular person.

(1C) Subsection (1B) applies to any employment which—

- (a) is not employment to which subsection (1) applies, and
- (b) is of a kind prescribed for the purposes of this subsection.]

Status: Point in time view as at 01/11/2008. This version of this provision has been superseded.

Changes to legislation: Child Support Act 1991, Section 50 is up to date with all changes known to be in force on or before 04 June 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)

- (2) It is not an offence under this section—
- (a) to disclose information in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it; or
 - (b) to disclose information which has previously been disclosed to the public with lawful authority.
- (3) It is a defence for a person charged with an offence under this section to prove that at the time of the alleged offence—
- (a) he believed that he was making the disclosure in question with lawful authority and had no reasonable cause to believe otherwise; or
 - (b) he believed that the information in question had previously been disclosed to the public with lawful authority and had no reasonable cause to believe otherwise.
- (4) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both; or
 - (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.
- ^{F3}(5)
- (6) For the purposes of this section a disclosure is to be regarded as made with lawful authority if, and only if, it is made—
- (a) by a civil servant in accordance with his official duty; or
 - (b) by any other person either—
 - (i) for the purposes of the function in the exercise of which he holds the information and without contravening any restriction duly imposed by the responsible person; or
 - (ii) to, or in accordance with an authorisation duly given by, the responsible person;
 - (c) in accordance with any enactment or order of a court;
 - (d) for the purpose of instituting, or otherwise for the purposes of, any proceedings before a court or before any tribunal or other body or person mentioned in this Act; or
 - (e) with the consent of the appropriate person.
- (7) “The responsible person” means—
- (a) the Lord Chancellor;
 - (b) the Secretary of State;
 - ^{F4}(ba) the person appointed to chair the Commission;]
 - ^{F5}(c) any person authorised for the purposes of this subsection by the Lord Chancellor, the Secretary of State or the person appointed to chair the Commission;]
 - (d) any other prescribed person, or person falling within a prescribed category.
- (8) “The appropriate person” means the person to whom the information in question relates, except that if the affairs of that person are being dealt with—
- (a) under a power of attorney; [^{F6}or]
 - ^{F7}(b)

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- (c) by a Scottish mental health custodian, that is to say [^{F8}a guardian or other person entitled to act on behalf of the person under the Adults with Incapacity (Scotland) Act 2000 (asp 4)]; ^{F7}...

^{F7}(d)

the appropriate person is the attorney [^{F9}or custodian] (as the case may be) or, in a case falling within paragraph (a), the person to whom the information relates.

[^{F10}(9) Where the person to whom the information relates lacks capacity (within the meaning of the Mental Capacity Act 2005) to consent to its disclosure, the appropriate person is—

- (a) a donee of an enduring power of attorney or lasting power of attorney (within the meaning of that Act), or
- (b) a deputy appointed for him, or any other person authorised, by the Court of Protection,

with power in that respect.]

Textual Amendments

- F1** Words in s. 50(1) substituted (1.11.2008) by Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), **Sch. 7 para. 1(19)**; S.I. 2008/2675, art. 3(f)
- F2** S. 50(1A)-(1C) inserted (1.11.2008) by Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), **Sch. 7 para. 1(20)**; S.I. 2008/2675, art. 3(f)
- F3** S. 50(5) repealed (1.11.2008) by Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), **Sch. 8**; S.I. 2008/2675, art. 3(g)(i)
- F4** S. 50(7)(ba) inserted (1.11.2008) by Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), **Sch. 7 para. 1(21)(a)**; S.I. 2008/2675, art. 3(f)
- F5** S. 50(7)(c) substituted (1.11.2008) by Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), **Sch. 7 para. 1(21)(b)**; S.I. 2008/2675, art. 3(f)
- F6** Word in s. 50(8) inserted (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 68(1), **Sch. 6 para. 36(a)(i)** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)
- F7** S. 50(8)(b)(d) and word following para. (c) repealed (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 68(1), **Sch. 6 para. 36(a)(ii)**, **Sch. 7** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)
- F8** Words in s. 50(8)(c) substituted (S.) (2.4.2001 for specified purposes, 1.4.2002 in so far as not already in force) by Adults with Incapacity (Scotland) Act 2000 (asp 4), s. 89(2), Sch. 5 para. 22; S.S.I. 2001/81, arts. 2, 3, Schs. 1, 2; substituted (E.W.) (30.6.2005) by The Adults with Incapacity (Scotland) Act 2000 (Consequential Modifications) (England, Wales and Northern Ireland) Order 2005 (S.I. 2005/1790), arts. 1(1), 2
- F9** Words in s. 50(8) substituted (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 68(1), **Sch. 6 para. 36(a)(iii)** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)
- F10** S. 50(9) inserted (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 68(1), **Sch. 6 para. 36(b)** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)

Modifications etc. (not altering text)

- C1** S. 50 applied (27.10.2008) by The Child Support Information Regulations 2008 (S.I. 2008/2551), regs. 1, 14

Commencement Information

- I1** S. 50 wholly in force; s. 50 not in force at Royal Assent see s. 58(2); s. 50(5)(7)(d) in force at 17.6.1992 by S.I. 1992/1431, art. 2, **Sch.**; s. 50 in force in so far as not already in force at 5.4.1993 by S.I. 1992/2644, art. 2

Status:

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