



Police (Northern Ireland) Act 2000

2000 CHAPTER 32

PART IX

MISCELLANEOUS AND SUPPLEMENTARY

Miscellaneous

[^{F1}74A Restriction on disclosure of information

- (1) This section applies if information is supplied in the circumstances mentioned in subsection (2), (3), (4) or (5).
- (2) The circumstances are that—
 - (a) the information is supplied by the Chief Constable to a person conducting an inquiry under section 60;
 - (b) the person has been appointed under section 60(9) to conduct the inquiry;
 - [^{F2}(c) in relation to the information, the Chief Constable informs the person as required by section 60(10B)(b) or (10D)(b).]
- (3) The circumstances are that—
 - (a) the information is supplied by the Chief Constable under section 33A to the Board;
 - [^{F3}(b) in relation to the information, the Chief Constable informs the Board as required by section 33A(4)(b) or (6)(b).]
- (4) The circumstances are that—
 - (a) the information is supplied by the Chief Constable under section 59 to the Board or a special purposes committee;
 - [^{F4}(b) in relation to the information, the Chief Constable informs the Board or the committee as required by section 59(4I)(b) or (4K)(b).]
- (5) The circumstances are that—

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- (a) the information is supplied by a person conducting an inquiry under section 60 or by a person who is assisting or has assisted in the conduct of such an inquiry to a special purposes committee;
- (b) the information was supplied to the person conducting the inquiry in the circumstances mentioned in subsection (2).
- (6) If information is supplied in the circumstances mentioned in subsection (2), the information must not be disclosed by the person who is conducting or has conducted the inquiry or by a person who is assisting or has assisted in the conduct of the inquiry except—
- (a) to a person who is assisting in the conduct of the inquiry;
- (b) to the Secretary of State;
- (c) to the Chief Constable;
- (d) to the Ombudsman, or an officer of the Ombudsman, in connection with any function of the Ombudsman;
- (e) to a special purposes committee;
- (f) for the purposes of any criminal, civil or disciplinary proceedings;
- (g) in the form of a summary or other general statement made by the person the terms of which have been agreed with the Chief Constable.
- [to the Minister of Justice or the Department of Justice.]
^{F5}(h)
- (7) If information is supplied in the circumstances mentioned in subsection (3), (4) or (5), the information must not be disclosed by a person who is or has been a member of the Board or a member of the staff of the Board except—
- (a) in the case of information supplied to the Board, to a member of the Board or a member of the staff of the Board;
- (b) in the case of information supplied to a special purposes committee, to a member of the committee or a member of the staff of the Board who provides services to the committee;
- (c) to the Secretary of State;
- (d) to the Chief Constable;
- (e) to the Ombudsman, or an officer of the Ombudsman, in connection with any function of the Ombudsman;
- (f) for the purposes of any criminal, civil or disciplinary proceedings;
- (g) in the form of a summary or other general statement made by the Board the terms of which have been agreed with the Chief Constable.
- [to the Minister of Justice or the Department of Justice.]
^{F6}(h)
- [In subsections (7B) to (7D) “protected information” means information in relation to ^{F7}(7A) which the Chief Constable has given an opinion under section 33A(4)(b), 59(4I)(b) or 60(10B)(b).
- (7B) Subsection (6)(h) does not authorise the disclosure of any protected information.
- (7C) In the case of protected information supplied to a special purposes committee, subsection (7)(h) does not authorise the disclosure of the information.
- (7D) In the case of protected information supplied to the Board, a person disclosing the information by virtue of subsection (7)(h) must inform the Minister of Justice or the Department of Justice that the information is protected information.]

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(8) Any person who discloses information in contravention of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(9) In this section—

“member of the staff of the Board” means—

- (a) a person employed by the Board under paragraph 13(1) of Schedule 1;
- (b) a person employed in the civil service who provides assistance for the Board in pursuance of arrangements made under paragraph 13(2) of Schedule 1; and

“officer of the Ombudsman” has the meaning given by section 50(1) of the 1998 Act.]

Textual Amendments

- F1** S. 74A inserted (8.4.2003) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 27\(1\)](#)
- F2** S. 74A(2)(c) substituted (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. 3 para. 82\(2\)](#) (with arts. 28-31, Sch. 3 para. 82(8))
- F3** S. 74A(3)(b) substituted (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. 3 para. 82\(3\)](#) (with arts. 28-31, Sch. 3 para. 82(8))
- F4** S. 74A(4)(b) substituted (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. 3 para. 82\(4\)](#) (with arts. 28-31, Sch. 3 para. 82(8))
- F5** S. 74A(6)(h) 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. 3 para. 82\(5\)](#) (with arts. 28-31, Sch. 3 para. 82(8))
- F6** S. 74A(7)(h) 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. 3 para. 82\(6\)](#) (with arts. 28-31, Sch. 3 para. 82(8))
- F7** Ss. 74A(7A)-(7D) 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. 3 para. 82\(7\)](#) (with arts. 28-31, Sch. 3 para. 82(8)(9))

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