

SCHEDULES

SCHEDULE 16

DEALING NON-CUSTODIALLY WITH OFFENDERS

PART 7

INFORMATION TO ENABLE A COURT TO DEAL WITH AN OFFENDER

Offence where information wrongly used or disclosed

- 30 (1) It is an offence for a person to disclose or use information in contravention of paragraph 29(5).
- (2) It is a defence for a person charged with an offence under sub-paragraph (1) to prove that the person reasonably believed that the disclosure or use concerned was lawful.
- (3) A person guilty of an offence under sub-paragraph (1) is liable—
- (a) on conviction on indictment—
 - (i) to imprisonment for a term not exceeding 2 years, or
 - (ii) to a fine, or
 - (iii) to both;
 - (b) on summary conviction—
 - (i) to imprisonment for a period not exceeding 12 months, or
 - (ii) to a fine not exceeding the statutory maximum, or
 - (iii) to both.
- (4) Sub-paragraph (3)(b) applies—
- (a) in England and Wales in relation to offences committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on power of magistrates' courts to impose imprisonment), and
 - (b) in Northern Ireland,
- as if the reference to 12 months were a reference to 6 months.
- (5) A prosecution for an offence under sub-paragraph (1)—
- (a) may be instituted in England and Wales only by or with the consent of the Director of Public Prosecutions, and
 - (b) may be instituted in Northern Ireland only by or with the consent of the Director of Public Prosecutions for Northern Ireland.