



Mesothelioma Act 2014

2014 CHAPTER 1

Scheme administration

7 Scheme administration

- (1) The Secretary of State may—
 - (a) administer the scheme, or
 - (b) make arrangements for a body to administer the scheme.
- (2) Arrangements under subsection (1)(b)—
 - (a) may include provision for payments by the Secretary of State;
 - (b) may allow the body to arrange for someone else to administer the scheme or any part of the scheme on behalf of the body;
 - (c) may include provision about bringing the arrangements to an end.
- (3) Arrangements under subsection (1)(b) may be made with—
 - (a) a company formed by the Secretary of State under the Companies Act 2006 for that purpose,
 - (b) a body corporate established by the Secretary of State by regulations under this paragraph for that purpose, or
 - (c) any other body.
- (4) A body administering the scheme in accordance with arrangements under subsection (1)(b) is not to be regarded as exercising functions of the Secretary of State or as acting on behalf of the Secretary of State.
- (5) The Secretary of State may by regulations make transitional provision for when there is a change in the scheme administrator (including provision modifying the application of any enactment).
- (6) For the purposes of this Act, a reference to administering the scheme includes carrying out any functions conferred by or under any enactment on the scheme administrator.

8 Unauthorised disclosure of information: offence

- (1) A person involved in the administration of the scheme must not, without lawful authority, disclose information which—
 - (a) was acquired in connection with the administration of the scheme, and
 - (b) relates to a particular person who is identified in the information or whose identity could be deduced from it.
- (2) A disclosure is made with “lawful authority” only if—
 - (a) it is made for the purposes of the administration of the scheme,
 - (b) it is made for the purpose of preventing or detecting crime,
 - (c) it is made in accordance with any enactment or an order of a court or tribunal,
 - (d) it is made for the purposes of proceedings before a court or tribunal, or
 - (e) it is made with consent given by or on behalf of the person to whom the information relates or the person’s personal representatives.
- (3) A person who breaches subsection (1) commits an offence (for penalties, see section 9).
- (4) It is a defence for a person charged with the offence under subsection (3) to prove that he or she reasonably believed—
 - (a) that the disclosure was made with lawful authority, or
 - (b) that someone had, with lawful authority, previously disclosed the information to the public.
- (5) In this section “person involved in the administration of the scheme” means a person who is or has been—
 - (a) the scheme administrator,
 - (b) a person providing services to the scheme administrator, or
 - (c) an officer or employee of a person within paragraph (a) or (b).

9 Unauthorised disclosure of information: penalties etc

- (1) A person guilty of an offence under section 8 is liable on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.
- (2) A person guilty of an offence under section 8 is liable—
 - (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or a fine;
 - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both;
 - (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both.
- (3) The court by or before which a person is convicted of an offence under section 8 may order the destruction of a document containing the information disclosed in breach of that section or, if the information disclosed is held in some other form, may order its erasure.
- (4) Where an offence under section 8 committed by a body corporate—
 - (a) is committed with the consent or connivance of an officer, or
 - (b) is attributable to neglect on the part of an officer,

the officer as well as the body corporate is guilty of the offence.

- (5) Where an offence under section 8 committed by a Scottish partnership—
- (a) is committed with the consent or connivance of a partner, or
 - (b) is attributable to neglect on the part of a partner,
- the partner as well as the Scottish partnership is guilty of the offence.
- (6) In this section—
- “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate;
 - “officer”, in relation to a body corporate, means—
 - (a) a director, manager, secretary or other similar officer of the body corporate, or
 - (b) a person purporting to act in any such a capacity;
 - “partner”, in relation to a Scottish partnership, includes any person who was purporting to act as a partner in the partnership.
- (7) In relation to an offence committed in England and Wales before section 154(1) of the Criminal Justice Act 2003 comes into force, the reference in subsection (2)(a) above to “12 months” is to be read as a reference to “6 months”.
- (8) In relation to an offence committed in England and Wales before section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force, the reference in subsection (2)(a) above to a fine is to be read as a reference to a fine not exceeding the statutory maximum.