
STATUTORY INSTRUMENTS

2011 No. 1830

**The Disclosure of State Pension Credit Information
(Warm Home Discount) Regulations 2011**

Offences

6.—(1) A relevant person⁽¹⁾ must not disclose without lawful authority any information supplied to that person or another relevant person by virtue of these Regulations.

(2) A person—

- (a) who is or has been employed by a relevant person,
- (b) who is or has been engaged—
 - (i) in the provision of services to a relevant person in connection with the carrying out of a relevant function, or
 - (ii) to carry out any relevant function, or to carry out any function in connection with the carrying out of a relevant function, or
- (c) who is or has been employed by, or who is or has been engaged in the provision of services to, or to carry out a function for, a person mentioned in sub-paragraph (b),

must not disclose without lawful authority any information supplied to a relevant person by virtue of regulations 4 or 5.

(3) Subject to paragraph (4), a person who contravenes paragraph (1) or (2) commits an offence.

(4) It is not an offence under this regulation—

- (a) to disclose information in the form of a summary or collection of information so framed as not to enable information supplied by virtue of these Regulations 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.

(5) It is a defence for a person (“A”) charged with an offence under this regulation to prove that at the time of the alleged offence A had reasonable cause to believe—

- (a) that A was making the disclosure in question with lawful authority, or
- (b) that the information in question had previously been disclosed to the public with lawful authority.

(6) For the purposes of this regulation, a disclosure is to be regarded as made with lawful authority only if it is made—

- (a) for the purpose of carrying out a relevant function, or for doing anything connected with the carrying out of a relevant function;
- (b) for the purpose of managing the account of a domestic customer whose information has been supplied to an electricity supplier by virtue of regulation 5(1);
- (c) for the prevention or detection of crime;

⁽¹⁾ For the meaning of “relevant person”, see section 142(2) of the Pensions Act 2008.

- (d) in accordance with any enactment or court order;
 - (e) for the purpose of instituting, or otherwise for the purposes of, proceedings before a court;
 - (f) for a purpose connected with the exercise of functions of the Director of Public Prosecutions or, in Scotland, the Lord Advocate or procurator fiscal;
 - (g) with the consent of the person to whom the information relates or of any person authorised to act on that person's behalf.
- (7) A person guilty of an offence under this regulation is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or both;
 - (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or both.
- (8) In the application of this regulation in England and Wales, in relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003⁽²⁾, the reference in paragraph (7)(b) to 12 months is to be read as a reference to 6 months.
- (9) In this regulation “relevant function” means the carrying out of an activity for any of the purposes referred to in regulation 4(1) or (2) or 5(1) or (2).
- (10) The reference in paragraph (6)(d) to an enactment includes a reference to an Act of the Scottish Parliament, an instrument under an Act of the Scottish Parliament and an enactment comprised in, or in an instrument made under, a Measure or Act of the National Assembly for Wales.