

STATUTORY INSTRUMENTS

2020 No. 1664

The Conflict Minerals (Compliance) (Northern Ireland) (EU Exit) Regulations 2020

PART 2

Competent authority and functions

Competent authority

3.—(1) The Secretary of State is the competent authority for the purposes of the EU Regulation in respect of Union importers.

(2) The Secretary of State may authorise in writing any person who appears suitable to act to carry out the functions of the Secretary of State as competent authority.

(3) For the purposes of these Regulations, except for regulations 3, 5, 9 and 17 a reference to the Secretary of State includes any person authorised by the Secretary of State under paragraph (2).

Commencement Information

I1 Reg. 3 in force at 1.1.2021, see [reg. 1\(1\)](#)

Functions

4. The Secretary of State must carry out the functions of the competent authority under the EU Regulation, in respect of Union importers.

Commencement Information

I2 Reg. 4 in force at 1.1.2021, see [reg. 1\(1\)](#)

5. The Secretary of State must carry out the functions of the Member State insofar as they relate to Northern Ireland under the EU Regulation, in respect of Union importers.

Commencement Information

I3 Reg. 5 in force at 1.1.2021, see [reg. 1\(1\)](#)

Information exchanges, reporting and disclosure of information

6.—(1) Subject to paragraph (2), information of any description may be disclosed by the Secretary of State to any person for the purpose of facilitating the carrying out by the Secretary of State of any of the Secretary of State's functions under these Regulations.

(2) Nothing in paragraph (1) authorises a disclosure of information which contravenes any express restriction on disclosure imposed by an enactment passed or any other instrument made in the United Kingdom, or in any part of the United Kingdom, which applies to Northern Ireland (ignoring any restriction which allows disclosure if authorised by an enactment or instrument).

(3) Information which—

- (a) relates to a trade secret of any person; or
- (b) otherwise is or might be commercially confidential in relation to any person,

and which is disclosed to a person under paragraph (1) may not be disclosed by that person to any other person otherwise than in accordance with the provisions of this regulation or the law of, or of any part of, the United Kingdom which applies to Northern Ireland and authorises or requires such disclosure.

(4) Any authorisation under paragraph (1) of the disclosure of information by or to any person also authorises the disclosure of that information by or to any officer of that person who is authorised to make a disclosure or to receive the information.

Commencement Information

I4 Reg. 6 in force at 1.1.2021, see [reg. 1\(1\)](#)

7.—(1) The Commissioners for Her Majesty's Revenue and Customs may disclose any information in their possession to the Secretary of State for the purpose of facilitating the carrying out by the Secretary of State of any of the Secretary of State's functions under these Regulations.

(2) Paragraph (1) is without prejudice to any other power of the Commissioners to disclose information.

(3) No person may disclose any information received from the Commissioners under paragraph (1) if—

- (a) the information relates to a person whose identity is specified in the disclosure or can be deduced from the disclosure;
- (b) the disclosure is for a purpose other than specified in paragraph (1); and
- (c) the Commissioners have not given their prior consent to the disclosure.

(4) A person who breaches paragraph (3) is guilty of an offence.

(5) It is a defence for a person charged with an offence under paragraph (4) to prove that the person reasonably believed—

- (a) that the disclosure was lawful; or
- (b) that the information had already and lawfully been made available to the public.

(6) A prosecution for an offence under this section may be instituted only—

- (a) by the Commissioners, or
- (b) with the consent of the Director of Public Prosecutions for Northern Ireland.

(7) A person who is guilty of an offence under this regulation is liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or both, or
- (b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum, or both.

Commencement Information

I5 Reg. 7 in force at 1.1.2021, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Conflict Minerals (Compliance) (Northern Ireland) (EU Exit) Regulations 2020, PART 2.