

*Changes to legislation:* There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Cross Heading: Disclosure of information. (See end of Document for details)

## SCHEDULE 2 FURTHER PROVISION ABOUT CIVIL SANCTIONS UNDER PART 4 (MARINE LICENSING)

### Modifications etc. (not altering text)

- C1** Sch. 2 applied (9.11.2020) by [The Marine Licensing \(Exempted Activities\) \(Scottish Inshore Region\) Amendment Order 2020 \(S.S.I. 2020/316\)](#), arts. 1, **14**

### *Disclosure of information*

- 12 (1) Information held by or on behalf of a person mentioned in sub-paragraph (2) may be disclosed to the Scottish Ministers where—
- (a) the person has an enforcement function in relation to the offence, and
  - (b) the information is disclosed for the purpose of the exercise by the Scottish Ministers of any powers conferred on them under section 46 or 48 in relation to the offence.
- (2) The persons are—
- (a) a Procurator Fiscal,
  - (b) a constable of [<sup>F1</sup>the Police Service of Scotland].
- (3) It is immaterial for the purposes of sub-paragraph (1) whether the information was obtained before or after the coming into force of this paragraph.
- (4) A disclosure under this paragraph is not to be taken to breach any restriction on the disclosure of information (however imposed).
- (5) Nothing in this paragraph authorises the making of a disclosure in contravention of—
- (a) [<sup>F2</sup>the data protection legislation] , or
  - [<sup>F3</sup>(b) any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.]
- (6) This paragraph does not affect a power to disclose which exists apart from this paragraph.
- [<sup>F4</sup>(7) In this paragraph, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).]

### Textual Amendments

- F1** Words in Sch. 2 para. 12(2)(b) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **Sch. 7 para. 39**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F2** Words in sch. 2 para. 12(5)(a) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 165(2)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F3** Sch. 2 para. 12(5)(b) substituted (27.6.2018) by [Investigatory Powers Act 2016 \(c. 25\)](#), s. 272(1), **Sch. 10 para. 26** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/652, reg. 12(g)(iii)
- F4** Sch. 2 para. 12(7) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 165(3)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

### Commencement Information

- I1** Sch. 2 para. 12 in force at 6.4.2011 by S.S.I. 2011/58, art. 3(a)

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