

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

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 a police force in 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) the Data Protection Act 1998 (c.29), or
 - (b) Part 1 of the Regulation of Investigatory Powers Act 2000 (c.23).
- (6) This paragraph does not affect a power to disclose which exists apart from this paragraph.