



2001 CHAPTER 17

Obtaining and sharing information

Code of practice about use of information powers

3.—(1) The Department shall issue a code of practice relating to the exercise of—

- (a) the powers that are exercisable by an authorised officer under section 103B of the Administration Act in relation to the persons mentioned in subsection (2A) of that section; and
- (b) the powers conferred on an authorised officer by sections 103BA and 104AA of that Act.

(2) The Department may —

- (a) revise the whole or any part of the code of practice for the time being in force under this section; and
- (b) issue a revised code.

(3) Before issuing or revising the code of practice under this section, the Department shall—

- (a) prepare and publish a draft of the code, or of the revised code; and
- (b) consider any representations made to it about the draft;

and the Department may incorporate in the code it issues any modifications made by it to its proposals after their publication.

(4) The Department shall lay before the Assembly the code of practice, and every revised code, issued by it under this section.

(5) The code of practice issued under this section and any revisions of the code shall come into force at the time at which the code or, as the case may be, the revised code is issued by the Department.

(6) An authorised officer exercising any power in relation to which provision must be made by the code of practice under this section shall have regard, in doing so, to the provisions (so far as they are applicable) of the code for the time being in force under this section.

(7) A failure on the part of any person to comply with any provision of the code of practice for the time being in force under this section shall not of itself render him liable to any civil or criminal proceedings.

(8) The code of practice for the time being in force under this section shall be admissible in evidence in any civil or criminal proceedings.

(9) In this section “authorised officer” has the same meaning as in Part VI of the Administration Act.