



Data Protection Act 1984

1984 CHAPTER 35

PART II

REGISTRATION AND SUPERVISION OF DATA USERS AND COMPUTER BUREAUX

Miscellaneous and supplementary

19 Prosecutions and penalties

- (1) No proceedings for an offence under this Act shall be instituted—
 - (a) in England or Wales except by the Registrar or by or with the consent of the Director of Public Prosecutions ;
 - (b) in Northern Ireland except by the Registrar or by or with the consent of the Director of Public Prosecutions for Northern Ireland.
- (2) A person guilty of an offence under any provision of this Act other than section 6 or paragraph 12 of Schedule 4 shall be liable—
 - (a) on conviction on indictment, to a fine; or
 - (b) on summary conviction, to a fine not exceeding the statutory maximum (as defined in section 74 of the Criminal Justice Act 1982).
- (3) A person guilty of an offence under section 6 above or the said paragraph 12 shall be liable on summary conviction to a fine not exceeding the fifth level on the standard scale (as defined in section 75 of the said Act of 1982).
- (4) Subject to subsection (5) below, the court by or before which a person is convicted of an offence under section 5, 10, 12 or 15 above may order any data material appearing to the court to be connected with the commission of the offence to be forfeited, destroyed or erased.
- (5) The court shall not make an order under subsection (4) above in relation to any material where a person (other than the offender) claiming to be the owner or otherwise interested in it applies to be heard by the court unless an opportunity is given to him to show cause why the order should not be made.