

SCHEDULES

SCHEDULE 2

Section 6.

NURSERY EDUCATION GRANTS: DISCLOSURE OF INFORMATION

- 1 (1) This Schedule applies to—
 - (a) civil servants in the Department for Education and Employment, civil servants in the Welsh Office and any other persons who carry out the administrative work of the Department for Education and Employment or the Welsh Office, and
 - (b) any person exercising any function by virtue of section 2 and any persons who are employed by (or are directors or other officers of) any such person or who carry out the administrative work of any such person.
- (2) In this Schedule “social security information” means information of a prescribed description which was obtained by reason of the exercise by the Secretary of State of any of his functions under the Social Security Contributions and Benefits Act 1992 or the Social Security Administration Act 1992.
- 2 The Secretary of State may supply to any person to whom this Schedule applies any such social security information as the person may require for or in connection with the exercise of any function relating to grants in respect of nursery education.
- 3 (1) A person who is or has been a person to whom this Schedule applies is guilty of an offence if he discloses without lawful authority any social security information relating to a particular person which he acquired while acting as a person to whom this Schedule applies.
 - (2) It is not an offence under this paragraph—
 - (a) to disclose information in the form of a summary or collection of information so framed as not to enable social security information relating to any particular person to be ascertained from it, or
 - (b) to disclose social security information which has previously been disclosed to the public with lawful authority.
 - (3) It is a defence for a person charged with an offence under this paragraph to prove that at the time of the alleged offence—
 - (a) he believed that he was making the disclosure in question with lawful authority and had no reasonable cause to believe otherwise, or
 - (b) he believed that the information in question had previously been disclosed to the public with lawful authority and had no reasonable cause to believe otherwise.
 - (4) For the purposes of this paragraph a disclosure is to be regarded as made with lawful authority if, and only if, it is made—
 - (a) by a person in accordance with his official duty as a civil servant,
 - (b) by any other person either—

Status: This is the original version (as it was originally enacted).

- (i) for the purposes of the function in the exercise of which he holds the information and without contravening any restriction duly imposed by the Secretary of State or by any person authorised by the Secretary of State, or
 - (ii) to the Secretary of State or in accordance with an authorisation duly given by the Secretary of State or by any person authorised by the Secretary of State,
 - (c) in accordance with any enactment or order of a court,
 - (d) for the purposes of instituting, or otherwise for the purposes of, any proceedings before a court, or
 - (e) with the consent of the person to whom the information relates or of any person authorised to act on his behalf.
- (5) A person guilty of an offence under this paragraph is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both, or
 - (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.