



Financial Services and Markets Act 2000

2000 CHAPTER 8

PART XXIII

PUBLIC RECORD, DISCLOSURE OF INFORMATION AND CO-OPERATION

Disclosure of information

352 Offences.

- (1) A person who discloses information in contravention of section 348 or 350(5) is guilty of an offence.
- (2) A person guilty of an offence under subsection (1) is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding three months or a fine not exceeding the statutory maximum, or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both.
- (3) A person is guilty of an offence if, in contravention of any provision of regulations made under section 349, he uses information which has been disclosed to him in accordance with the regulations.
- (4) A person is guilty of an offence if, in contravention of subsection (4) of section 350, he uses information which has been disclosed to him in accordance with that section.
- (5) A person guilty of an offence under subsection (3) or (4) is liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding level 5 on the standard scale, or both.
- (6) In proceedings for an offence under this section it is a defence for the accused to prove—
 - (a) that he did not know and had no reason to suspect that the information was confidential information or that it had been disclosed in accordance with section 350;

Changes to legislation: Financial Services and Markets Act 2000, Section 352 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) that he took all reasonable precautions and exercised all due diligence to avoid committing the offence.

Modifications etc. (not altering text)

- C1** S. 352 modified (17.8.2001 for certain purposes otherwise 1.12.2001) by 1986 c. 53, s. 53A (as substituted (17.8.2001 for certain purposes otherwise 1.12.2001) by S.I. 2001/2617, arts. 2, 8, 13(1), **Sch. 3 Pt. II para. 152**); S.I. 2001/3538, **art. 2(1)**
S. 352 modified (17.8.2001 for certain purposes otherwise 1.12.2001) by 1992 c. 40, s. 63A (as substituted (17.8.2001 for certain purposes otherwise 1.12.2001) by S.I. 2001/2617, arts. 2, 8, 13(1), **Sch. 3 Pt. I para. 78**; S.I. 2001/3538, **art. 2(1)**
S. 352 extended (1.12.2001) by S.I. 2001/3648, **arts. 1, 3(2)**
- C2** S. 352 applied (20.4.2003) by **The Insurers (Reorganisation and Winding Up) Regulations 2003** (S.I. 2003/1102), **regs. 16(2), 50(3)** (with reg. 3)
- C3** S. 352 modified (20.4.2003) by **The Insurers (Reorganisation and Winding Up) Regulations 2003** (S.I. 2003/1102), **reg. 50(4)** (with reg. 3)
- C4** S. 352 applied (18.2.2004) by **The Insurers (Reorganisation and Winding Up) Regulations 2004** (S.I. 2004/353), **reg. 16(2)(3)** (with reg. 3)
- C5** S. 352 applied (with modifications) (18.2.2004) by **The Insurers (Reorganisation and Winding Up) Regulations 2004** (S.I. 2004/353), **reg. 50(3)-(6)** (with reg. 3)
- C6** S. 352 applied (with modifications) (5.5.2004) by **The Credit Institutions (Reorganisation and Winding up) Regulations 2004** (S.I. 2004/1045), **regs. 18, 38**
- C7** S. 352 applied (6.3.2008) by **The Regulated Covered Bonds Regulations 2008** (S.I. 2008/346), **reg. 43**
- C8** S. 352 applied (2.3.2009) by **The Payment Services Regulations 2009** (S.I. 2009/209), **regs. 1(2)(a), 95, Sch. 5 para. 5** (with reg. 3) (as amended (1.4.2013) by **The Financial Services Act 2012 (Consequential Amendments and Transitional Provisions) Order 2013** (S.I. 2013/472), **Sch. 2 para. 155(6)(e)** (with Sch. 2 para. 156))
- C9** S. 352 applied (11.2.2010) by **The Cross-Border Payments in Euro Regulations 2010** (S.I. 2010/89), **reg. 19, Sch. para. 4**
- C10** S. 352 applied (9.2.2011 for certain purposes and 30.4.2011 otherwise) by **The Electronic Money Regulations 2011** (S.I. 2011/99), **regs. 1(2)(a)(xiv)(b), 62, Sch. 3 para. 6** (with reg. 3)
- C11** S. 352 applied (with modifications) (15.1.2013) by **The Payments in Euro (Credit Transfers and Direct Debits) Regulations 2012** (S.I. 2012/3122), **reg. 1, Sch. para. 4** (as amended (1.4.2013) by **The Financial Services Act 2012 (Consequential Amendments and Transitional Provisions) Order 2013** (S.I. 2013/472), **Sch. 2 para. 248(6)(i)(m)**)
- C12** S. 352 applied (with modifications) (E.W.) (9.7.2013) by **The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Referral Fees) Regulations 2013** (S.I. 2013/1635), **regs. 1, 11(1)**
- C13** S. 352 applied (with modifications) (12.12.2014) by **The Immigration Act 2014 (Bank Accounts) Regulations 2014** (S.I. 2014/3085), **regs. 1, 12**
- C14** S. 352 applied (with modifications) by 2009 c. 1, s. 89L (as inserted (1.1.2015) by **The Bank Recovery and Resolution Order 2014** (S.I. 2014/3329), **arts. 1(2), 103**)
- C15** S. 352 applied (with modifications) by S.I. 2004/1045, **reg. 18(5)** (as inserted (10.1.2015) by **The Bank Recovery and Resolution (No. 2) Order 2014** (S.I. 2014/3348), **art. 1(2), Sch. 3 para. 10(5)(c)**)
- C16** S. 352 applied (with modifications) by S.I. 2004/1045, **reg. 38(8)** (as added (10.1.2015) by **The Bank Recovery and Resolution (No. 2) Order 2014** (S.I. 2014/3348), **art. 1(2), Sch. 3 para. 10(5)(c)**)
- C17** S. 352 applied (20.4.2015 for specified purposes, 21.12.2015 for specified purposes, 21.3.2016 in so far as not already in force) by **The Mortgage Credit Directive Order 2015** (S.I. 2015/910), **arts. 1(5), 18(3)** (with Pt. 4)
- C18** S. 352 applied (with modifications) (1.1.2016) by **The Small and Medium Sized Business (Credit Information) Regulations 2015** (S.I. 2015/1945), **regs. 1(2), 25(1)**
- C19** S. 352 applied (with modifications) (1.1.2016) by **The Small and Medium Sized Business (Finance Platforms) Regulations 2015** (S.I. 2015/1946), **regs. 1(2), 22(1)**

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- C20** S. 352 applied (with modifications) (18.9.2016) by [The Payment Accounts Regulations 2015 \(S.I. 2015/2038\)](#), [reg. 1\(2\)\(b\)](#), **Sch. 7 para. 3**
- C21** S. 352 applied (with modifications) (29.6.2017 for specified purposes, 3.7.2017 for specified purposes, 31.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2017 \(S.I. 2017/701\)](#), [reg. 1\(2\)\(3\)\(4\)\(6\)](#), **Sch. 1 para. 20** (with [reg. 7](#))
- C22** S. 352 applied (with modifications) (3.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by [The Data Reporting Services Regulations 2017 \(S.I. 2017/699\)](#), [regs. 1\(2\)\(a\)\(b\)](#), **35**
- C23** S. 352 applied (with modifications) (13.10.2017) by [The Payment Services Regulations 2017 \(S.I. 2017/752\)](#), [reg. 1\(3\)\(c\)](#), **Sch. 6 para. 8** (with [reg. 3](#))
- C24** S. 352 applied (with modifications) (1.1.2018) by [The Packaged Retail and Insurance-based Investment Products Regulations 2017 \(S.I. 2017/1127\)](#), [reg. 1](#), **Sch. 1 para. 4**
- C25** S. 352 applied (with modifications) (27.2.2018) by [The Financial Services and Markets Act 2000 \(Benchmarks\) Regulations 2018 \(S.I. 2018/135\)](#), [regs. 1\(2\)](#), **21**
- C26** S. 352 applied (with modifications) (1.1.2019) by [The Securitisation Regulations 2018 \(S.I. 2018/1288\)](#), [reg. 1](#), **Sch. 1 para. 5** (with [Sch. 1 paras. 13, 14](#))
- C27** S. 352 applied (with modifications) (10.6.2019) by [The Proxy Advisors \(Shareholders Rights\) Regulations 2019 \(S.I. 2019/926\)](#), [regs. 1](#), **20, 24**
- C28** S. 352 applied (31.5.2021) by [The Civil Liability Act 2018 \(Financial Conduct Authority\) \(Whiplash\) Regulations 2021 \(S.I. 2021/594\)](#), [regs. 1](#), **2(6)(d)**
- C29** S. 352 applied (with modifications) (31.12.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), [s. 86\(3\)](#), **Sch. 11 para. 149**; [S.I. 2023/1382](#), [reg. 8\(b\)](#)
- C30** S. 352 applied (with modifications) (5.4.2024) by [The Data Reporting Services Regulations 2024 \(S.I. 2024/107\)](#), [regs. 1\(2\)](#), **21**; [S.I. 2023/1382](#), [reg. 4\(c\)](#)

Commencement Information

- II** S. 352 wholly in force at 3.9.2001; s. 352 not in force at Royal Assent see [s. 431\(2\)](#); s. 352 in force for specified purposes at 18.6.2001 by [S.I. 2001/1820](#), [art. 2](#), **Sch.**; s. 352 in force in so far as not already in force at 3.9.2001 by [S.I. 2001/2632](#), [art. 2\(2\)](#), **Sch. Pt. 2**

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Changes and effects yet to be applied to :

- s. 352(5) words substituted by 2003 c. 44 Sch. 26 para. 54(3)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by S.I. 2023/1347 reg. 8
- Act power to apply conferred (temp. until 15.5.2039) by 2014 c. 21 s. 79(4)
- Act power to apply conferred (temp. until 15.5.2039) by 2014 c. 21 s. 81(10)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 17 Ch. 3B inserted by 2023 c. 29 s. 64(3)
- Pt. 20C inserted by 2016 c. 14 s. 30(3)
- s. 31(1)(aa) inserted by 2021 c. 22 s. 22(2)
- s. 32A inserted by 2021 c. 22 s. 22(3)
- s. 32A power to apply (with modifications) conferred by 2021 c. 22 s. 23(10)
- s. 36A and cross-heading inserted by 2021 c. 22 s. 22(4)
- s. 71J and cross-heading inserted by 2021 c. 22 Sch. 8 para. 4
- s. 86(9A) inserted by S.I. 2019/707 reg. 8(9) (This amendment not applied to legislation.gov.uk. Reg. 8(6)-(10) omitted (6.9.2019) by virtue of S.I. 2019/1234, regs. 1(2), 13(c))
- s. 87A(11) inserted by S.I. 2019/707 reg. 10(5) (This amendment not applied to legislation.gov.uk. Reg. 10(4)(5) omitted (6.9.2019) by virtue of S.I. 2019/1234, regs. 1(2), 15(b))
- s. 124(10)(c)(i) word omitted by S.I. 2019/310 reg. 5(11)(b) (This amendment not applied to legislation.gov.uk. Reg. 5(11)(b) omitted immediately before IP completion day by virtue of S.I. 2020/1385, regs. 1(4), 51(2)(e))
- s. 129(7)(a) word inserted by S.I. 2019/310 reg. 5(12)(a)(i) (This amendment not applied to legislation.gov.uk. Reg. 5(12)(a)(b) omitted immediately before IP completion day by virtue of S.I. 2020/1385, regs. 1(4), 51(2)(f))
- s. 129(7)(c) omitted and word by S.I. 2019/310 reg. 5(12)(a)(ii) (This amendment not applied to legislation.gov.uk. Reg. 5(12)(a)(b) omitted immediately before IP completion day by virtue of S.I. 2020/1385, regs. 1(4), 51(2)(f))
- s. 214(5A) inserted by 2021 c. 22 Sch. 8 para. 8
- s. 261E(A1) inserted by 2023 c. 29 s. 64(2)(a)
- s. 367A inserted by 2021 c. 22 Sch. 8 para. 10
- s. 395(13)(h)(i) inserted by 2021 c. 22 Sch. 8 para. 12(2)(c)
- s. 395(13)(bc)-(be) word inserted by 2021 c. 22 Sch. 8 para. 12(2)(b)
- s. 395(14) inserted by 2021 c. 22 Sch. 8 para. 12(3)
- s. 427A(3) words substituted by 2002 c. 40 Sch. 17 para. 59 (This amendment not applied to legislation.gov.uk. The Financial Services and Markets Act 2000 does not contain a section 427A.)
- Sch. 1ZA para. 32(c) and word inserted by 2021 c. 22 Sch. 8 para. 18
- Sch. 2A para. 19(2)(b)(iia) inserted by 2023 c. 29 Sch. 10 para. 19(a)
- Sch. 2A2B power to apply (with modifications) conferred by 2021 c. 22 s. 23(10)
- Sch. 2A power to apply (with modifications) conferred by 2021 c. 22 s. 23(10)
- Sch. 2B inserted by 2021 c. 22 Sch. 7
- Sch. 2B power to apply (with modifications) conferred by 2021 c. 22 s. 23(10)
- Sch. 11A para. 5(3) inserted by S.I. 2019/707 reg. 38(5)(b) (This amendment not applied to legislation.gov.uk. Reg. 38(2)-(5)(7)(8) omitted (6.9.2019) by virtue of S.I. 2019/1234, regs. 1(2), 20)

- Sch. 17A para. 12 words substituted by [S.I. 2019/662 reg. 13\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 13(1) substituted (25.6.2020) by S.I. 2020/646, regs. 1(2)(c), 11(3))