



Anti-terrorism, Crime and Security Act 2001

2001 CHAPTER 24

PART 3

DISCLOSURE OF INFORMATION

18 Restriction on disclosure of information for overseas purposes

- (1) Subject to subsections (2) and (3), the Secretary of State may give a direction which—
 - (a) specifies any overseas proceedings or any description of overseas proceedings; and
 - (b) prohibits the making of any relevant disclosure for the purposes of those proceedings or, as the case may be, of proceedings of that description.
- (2) In subsection (1) the reference, in relation to a direction, to a relevant disclosure is a reference to a disclosure authorised by any of the provisions to which section 17 applies which—
 - (a) is made for a purpose mentioned in subsection (2)(a) to (d) of that section; and
 - (b) is a disclosure of any such information as is described in the direction.
- (3) The Secretary of State shall not give a direction under this section unless it appears to him that the overseas proceedings in question, or that overseas proceedings of the description in question, relate or would relate—
 - (a) to a matter in respect of which it would be more appropriate for any jurisdiction or investigation to be exercised or carried out by a court or other authority of the United Kingdom, or of a particular part of the United Kingdom;
 - (b) to a matter in respect of which it would be more appropriate for any jurisdiction or investigation to be exercised or carried out by a court or other authority of a third country; or
 - (c) to a matter that would fall within paragraph (a) or (b)—

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- (i) if it were appropriate for there to be any exercise of jurisdiction or investigation at all; and
 - (ii) if (where one does not exist) a court or other authority with the necessary jurisdiction or functions existed in the United Kingdom, in the part of the United Kingdom in question or, as the case may be, in the third country in question.
- (4) A direction under this section shall not have the effect of prohibiting—
- (a) the making of any disclosure by a Minister of the Crown or by the Treasury; or
 - (b) the making of any disclosure in pursuance of [^{F1}[^{F2}an assimilated] obligation].
- (5) A direction under this section—
- (a) may prohibit the making of disclosures absolutely or in such cases, or subject to such conditions as to consent or otherwise, as may be specified in it; and
 - (b) must be published or otherwise issued by the Secretary of State in such manner as he considers appropriate for bringing it to the attention of persons likely to be affected by it.
- (6) A person who, knowing of any direction under this section, discloses any information in contravention of that direction shall be guilty of an offence and liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both;
 - (b) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding the statutory maximum or to both.
- (7) The following are overseas proceedings for the purposes of this section—
- (a) criminal proceedings which are taking place, or will or may take place, in a country or territory outside the United Kingdom;
 - (b) a criminal investigation which is being, or will or may be, conducted by an authority of any such country or territory.
- (8) References in this section, in relation to any proceedings or investigation, to a third country are references to any country or territory outside the United Kingdom which is not the country or territory where the proceedings are taking place, or will or may take place or, as the case may be, is not the country or territory of the authority which is conducting the investigation, or which will or may conduct it.
- (9) In this section “court” includes a tribunal of any description.

Textual Amendments

- F1** Words in s. 18(4)(b) substituted (31.12.2020) by [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, **48**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in s. 18(4)(b) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), **Sch. para. 47**
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Modifications etc. (not altering text)

- C1** S. 18 applied (N.I.) (6.4.2005) by [The Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255 \(N.I. 1\)\)](#), arts. 1, **78(3)** (with art. 285); S.R. 2005/48, **art. 2(7)**, Sch. Pt. 7
- S. 18 applied (N.I.) (6.4.2005) by [The Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255 \(N.I. 1\)\)](#), arts. 1, **82(11)** (with art. 285); S.R. 2005/48, **art. 2(7)**, Sch. Pt. 7
- S. 18 applied (N.I.) (6.4.2005) by [The Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255 \(N.I. 1\)\)](#), arts. 1, **183(11)** (with art. 285); S.R. 2005/48, **art. 2(7)**, Sch. Pt. 7

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- S. 18 applied (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), **ss. 111(8)**, 126 (with s. 111(7))
- S. 18 applied (N.I.) (1.4.2007) by [The Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#), arts. 1(2)(3), **265(3)** (with arts. 8(9), 121(3), 307); S.R. 2007/194, **art. 2**, Sch. 1 Pt. 2 (with art. 3, Sch. 2)
- C2** S. 18 applied (with modifications) (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), **ss. 442**, 458(1); S.I. 2003/333, **art. 2**, Sch. 1 (with transitional provisions in arts. 3-13) (as amended by S.I. 2003/531)
- S. 18 applied (25.7.2003 for specified purposes and 29.12.2003 for specified purposes) by [Communications Act 2003 \(c. 21\)](#), **ss. 393(9)**, 408, 411(2)(3) (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with arts. 3-6); S.I. 2003/3142, **art. 3(2)**
- S. 18 applied (6.4.2005) by [Pensions Act 2004 \(c. 35\)](#), **ss. 83(3)**, 322 (with s. 313); S.I. 2005/275, art. 2, **Sch. Pt. 7**
- S. 18 applied (6.4.2005) by [Pensions Act 2004 \(c. 35\)](#), **ss. 87(11)**, 322 (with s. 313); S.I. 2005/275, art. 2, **Sch. Pt. 7**
- S. 18 applied (6.4.2005) by [Pensions Act 2004 \(c. 35\)](#), **ss. 201(11)**, 322 (with s. 313); S.I. 2005/275, art. 2, **Sch. Pt. 7**
- C3** S. 18 applied (20.10.2009) by [Identity Cards Act 2006 \(c. 15\)](#), **ss. 18(3)**, 44(3); S.I. 2009/2565, art. 2(7)(q)
- C4** S. 18 applied (25.3.2010) by [Cluster Munitions \(Prohibitions\) Act 2010 \(c. 11\)](#), **ss. 23(3)**, 34(1) (with s. 32)
- C5** S. 18 applied (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 9 para. 19(2)**; S.I. 2014/251, art. 4
- C6** S. 18 applied (10.1.2024) by [Online Safety Act 2023 \(c. 50\)](#), **ss. 114(6)**, 240(1); S.I. 2023/1420, reg. 2(z12)

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