

LEGAL AID, SENTENCING AND PUNISHMENT OF OFFENDERS ACT 2012

EXPLANATORY NOTES

COMMENTARY

Part 1: Legal Aid

Supplementary

Section 34: Restriction on disclosure of other information

231. *Section 34* provides for the protection of information other than information to which section 33 applies (see *subsection (7)*) which is given to the Lord Chancellor, the Director, a court, tribunal or any other person or body which has functions under Part 1 of this Act.
232. *Subsection (1)* describes the information to which the provisions apply: information provided to the persons referred to in the paragraph above in connection with an individual applying for or in receipt of legal aid.
233. Subject to the exceptions in section 35, *subsection (2)* prevents such information from being disclosed. *Subsection (3)* makes disclosure contrary to this section a criminal offence and sets out the maximum penalties for that offence. The penalty for the offence will be, on summary conviction, a fine not exceeding level 4 on the standard scale, which is currently £2,500.
234. *Subsection (4)* provides a statutory defence for a person charged with the offence where they reasonably believed that the disclosure was lawful.
235. *Subsection (5)* requires the consent of the Director of Public Prosecutions before proceedings can be brought in relation to an alleged breach of this section.
236. *Subsection (6)* provides that section 34 does not apply to information provided to a provider of services by or on behalf of an individual for whom the services are, or would be, provided under Part 1 of the Act.