

ANNEX A

CRIMINAL OFFENCES MOST LIKELY TO BE COMMITTED IN CASES AFFECTING THE MEDIA

OFFENCE	DETAIL	PENALTY
Bribery Act 2010 <u>Section 1</u> (DPP's Consent required)	Offences of bribing another person. Conduct element is when a person "offers, promises or gives" a "financial or other advantage".	<u>Summary:</u> maximum 6 months' imprisonment and or fine not exceeding statutory maximum. <u>Indictment:</u> 10 years' imprisonment and or fine.
<u>Section 2</u> (DPP's Consent required)	Offences relating to being bribed. Includes agreeing to receive a financial or other advantage as well as actually receiving.	<u>Summary:</u> maximum 6 months' imprisonment and or fine not exceeding statutory maximum. <u>Indictment:</u> 10 years' imprisonment and or fine.
<u>Section 6</u> (DPP's Consent required)	Bribery of foreign officials. Where a person offers, promises or gives a financial or other advantage to a foreign public official with the intention of influencing the official in the performance of his or her official functions.	<u>Summary:</u> maximum 6 months' imprisonment and or fine not exceeding statutory maximum. <u>Indictment:</u> 10 years' imprisonment and or fine.
<u>Section 7</u> (DPP's Consent required)	Failure of commercial organisations to prevent bribery. A "relevant commercial organisation" will be liable to	<u>Indictment</u> Fine.

	prosecution if a person associated with it bribes another person intending to obtain or retain business or an advantage in the conduct of business for that organisation, but only if the associated person is or would be guilty of an offence under section 1 or 6.	
Computer Misuse Act 1990 <u>Section 1</u>	Unauthorised access. The offence requires knowledge that the intended access was unauthorised and there was an intention to obtain information about a program or data held in a computer. Mere recklessness is insufficient.	<u>Summary:</u> maximum 6 months' imprisonment and or fine not exceeding statutory maximum. <u>Indictment:</u> 2 years' imprisonment and or fine.
<u>Section 2</u>	Unauthorised access with intent to commit or facilitate commission of further offences.	<u>Summary:</u> maximum 6 months' imprisonment and or fine not exceeding statutory maximum. <u>Indictment:</u> 5 years' imprisonment and or fine.
<u>Section 3</u>	Unauthorised acts with intent to impair, or with recklessness as to impairing, operation of a computer.	<u>Summary:</u> maximum 6 months' imprisonment and or fine not exceeding statutory maximum. <u>Indictment:</u> 10 years' imprisonment and or fine.
<u>Section 3A</u> (introduced	Making, supplying or obtaining	<u>Summary:</u> maximum 6

by Police and Justice Act 2003 section 37)	articles. Penalises the making supplying or obtaining of articles for use in offences contrary to sections 1-3 of CMA.	months' imprisonment and or fine not exceeding statutory maximum. <u>Indictment:</u> 2 years' imprisonment and or fine.
Data Protection Act 1998 <u>Section 55</u>	Unlawful obtaining etc. of personal data.	<u>Summary:</u> fine not exceeding statutory maximum. <u>Indictment:</u> fine.
<u>Fraud Act 2006</u> <u>Section 1(1)</u>	Fraud by false representation	<u>Summary:</u> maximum 6 months' imprisonment and or fine not exceeding statutory maximum. <u>Indictment:</u> 10 years' imprisonment and or fine.
<u>Section 1(2)</u>	Fraud by failing to disclose information	<u>Summary:</u> maximum 6 months' imprisonment and/ or fine not exceeding statutory maximum. <u>Indictment:</u> 10 years' imprisonment and or fine.
<u>Section 1(2)</u>	Fraud by abuse of position	<u>Summary:</u> maximum 6 months' imprisonment and/ or fine not exceeding statutory maximum. <u>Indictment:</u> 10 years' imprisonment and or fine.

<u>Section 6</u>	Possession etc. of articles for use in frauds	<u>Summary:</u> maximum 6 months' imprisonment and/ or fine not exceeding statutory maximum. <u>Indictment:</u> 5 years' imprisonment and or fine.
Misconduct in a public office	A public officer acting as such wilfully neglects to perform his duty and/or wilfully misconducts himself to such a degree as to amount to an abuse of the public's trust in the office holder without reasonable excuse or justification.	<u>Indictment:</u> Life imprisonment and/ or fine.
Official Secrets Act 1989 <u>Section 1(1)</u> (AG's Consent required)	The disclosure without lawful authority of any information, document or other article relating to security or intelligence.	<u>Summary:</u> maximum 6 months' imprisonment and/ or fine not exceeding statutory maximum. <u>Indictment:</u> 2 years' imprisonment and or fine.
<u>Section 1(3)</u> (AG's Consent required)	A Crown servant or government contractor without lawful authority makes a damaging disclosure of any information, document or other article relating to security or intelligence which is or has been in his possession by virtue of his position as such.	<u>Summary:</u> maximum 6 months' imprisonment and/ or fine not exceeding statutory maximum. <u>Indictment:</u> 2 years' imprisonment and or fine.
<u>Section 3</u> (AG's Consent	International relations – unauthorised disclosure.	<u>Summary:</u> maximum 6 months' imprisonment and/ or fine not exceeding

required)		statutory maximum. <u>Indictment:</u> 2 years' imprisonment and or fine.
<u>Section 4</u> (AG's Consent required)	Crime and Special Investigation powers: unauthorised disclosure which results in the commission of an offence; facilitates an escape from legal custody or the doing of any other act prejudicial to the safekeeping of persons in legal custody; or impedes the prevention or detection of offences or the apprehension or prosecution of suspected offenders; or (b) which is such that its unauthorised disclosure would be likely to have any of those effects.	<u>Summary:</u> maximum 6 months' imprisonment and/ or fine not exceeding statutory maximum. <u>Indictment:</u> 2 years' imprisonment and or fine.
<u>Section 5</u> (AG's Consent required)	Information resulting from unauthorised disclosures or entrusted in confidence.	<u>Summary:</u> maximum 6 months' imprisonment and/ or fine not exceeding statutory maximum. <u>Indictment:</u> 2 years' imprisonment and or fine.
<u>Section 6</u> (AG's Consent required)	Information entrusted in confidence to other States or international organisations.	<u>Summary:</u> maximum 6 months' imprisonment and/ or fine not exceeding statutory maximum. <u>Indictment:</u> 2 years' imprisonment and or fine.
<u>Section 8</u>		

(AG's Consent required)	Unauthorised retention of information or material, or failure to return information or material when directed.	<u>Summary:</u> maximum 3 months' imprisonment and/ or fine not exceeding level 5 on standard scale.
Perverting the Course of Justice contrary to common law	To do an act or series of acts which has or have a tendency to pervert and which is or are intended to pervert the course of public justice.	<u>Indictment:</u> Life imprisonment and/ or fine.
Protection from Harassment Act 1997 <u>Section 2</u>	Harassment	<u>Summary:</u> maximum 6 months' imprisonment and/ or fine not exceeding level 5 on standard scale.
Regulation of Investigatory Powers Act 2000 <u>Section 1(1)</u> (DPP's Consent required)	Unlawful interception of communication in the course of its transmission (postal service and public telecommunications systems).	<u>Summary:</u> Fine not exceeding statutory maximum. <u>Indictment:</u> 2 years' imprisonment and/ or fine.
<u>Section 1(2)</u> (DPP's Consent required)	Unlawful interception of communication in the course of its transmission (private telecommunications system).	<u>Summary:</u> Fine not exceeding statutory maximum. <u>Indictment:</u> 2 years' imprisonment and/ or fine.

Serious Crime Act 2007 <u>Section 44</u>	Intentionally encourage / assist an offence.	Liable to any penalty for which he would be liable on conviction of the anticipated or reference offence.
<u>Section 45</u>	Encourage / assist an offence believing it will be committed.	Liable to any penalty for which he would be liable on conviction of the anticipated or reference offence.
<u>Section 46</u>	Encourage / assist an offence believing it or another offence will be committed.	Liable to any penalty for which he would be liable on conviction of the anticipated or reference offence.
Theft 1968 <u>Section 1</u>	Theft	<u>Summary:</u> maximum 6 months' imprisonment and/ or fine not exceeding statutory maximum. <u>Indictment:</u> 7 years' imprisonment and/ or fine