

Subsidiary Legislation made under s.8A.

## **Supervisory Bodies (Sanctions) (Enforcement) Regulations 2025**

**LN.2025/060**

*Commencement* **6.3.2025**

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*In exercise of the powers conferred on the Government by section 8A of the Sanctions Act 2019, the Government has made these Regulations—*

**PART 1  
PRELIMINARY**

**Title.**

1. These Regulations may be cited as the Supervisory Bodies (Sanctions) (Enforcement) Regulations 2025.

**Commencement.**

2. These Regulations come into operation on the day of publication.

**Interpretation.**

3. In these Regulations—

“Act” means the Sanction Act 2019;

“enforcement measure” means an enforcement measure in regulation 16(1)(a) to (d);

“law enforcement authority” has the meaning given in regulation 5(3);

“POCA” means the Proceeds of Crime Act 2015;

“relevant authority” means an authority in another country or territory which exercises functions equivalent to those exercised by a supervisory body in Gibraltar;

“relevant firm” means a relevant financial business within the meaning of section 9 of POCA;

“screening obligation” means the obligation in respect of international sanctions screening imposed on relevant firms by section 8A of the Act;

“supervisory body” means a supervisory authority within the meaning of section 29 of POCA which is listed as a supervisory body in Part I of Schedule 2 to POCA.

**PART 2  
COOPERATION AND COORDINATION**

**Cooperation with authorities outside Gibraltar.**

4.(1) In order to ensure the effective supervision of a relevant firm's compliance with its screening obligation, supervisory bodies must cooperate so far as reasonable with the relevant authority in the country or territory outside Gibraltar in which a relevant firm—

- (a) has its head office;
- (b) operates an establishment; or
- (c) provides services.

(2) For the purposes of sub-regulation (1), in the case of a relevant firm which is a credit institution or financial institution that is part of a group—

- (a) where the parent undertaking is established in Gibraltar, supervisory bodies must cooperate so far as reasonable with the relevant authorities of the countries or territories outside Gibraltar where the establishments that are part of the group are established; and
- (b) where the parent undertaking is established outside Gibraltar and a credit institution or financial institution that is part of that group is established in Gibraltar, supervisory bodies must cooperate so far as reasonable with the relevant authority of the country or territory where the parent undertaking is established.

(3) For the purposes of this regulation, co-operation may include the sharing of information which the supervisory body is not prevented from disclosing, provided that—

- (a) any confidential information disclosed to the relevant authority in question will be subject to an obligation of confidentiality equivalent to that provided for in regulation 6; or
- (b) where the information disclosed has been received from a country or territory outside Gibraltar, it is only disclosed—
  - (i) with the express consent of the relevant authority which provided the information; and

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- (ii) where appropriate for the purposes for which the information was originally provided.

**Cooperation with other domestic authorities.**

5.(1) A supervisory body must take such steps as it considers appropriate—

- (a) to co-operate with other supervisory bodies and law enforcement authorities in Gibraltar in relation to international sanctions and related matters;
- (b) to co-ordinate activities in relation to international sanctions and related matters; and
- (c) to co-operate with such supervisory bodies and law enforcement authorities to the greatest extent possible, regardless of their respective nature or status.

(2) In discharging its functions under sub-regulation (1), a supervisory body in receipt of a request for information or assistance from a supervisory body or law enforcement authority, may exercise its powers—

- (a) to conduct inquiries on behalf of the requesting supervisory body or law enforcement authority; and
- (b) exchange information obtained through such inquiries with the requesting supervisory body or law enforcement authority.

(3) In these regulations “law enforcement authority” means—

- (a) the Royal Gibraltar Police;
- (b) HM Customs;
- (c) the Gibraltar Co-ordinating Centre for Criminal Intelligence and Drugs (GCID); or
- (d) the Gibraltar Financial Intelligence Unit (GFIU),

and includes the Chief Minister or the Gibraltar Contingency Council, both of which have specific functions under the Act, or any person or body the Chief Minister appoints in accordance with paragraph 1 of Schedule 4 to the Act.

**PART 3**

**CONFIDENTIALITY****Obligation of confidentiality.**

6.(1) A person working for, or acting on behalf of, a supervisory body (or who has worked for or acted on behalf of such a body) must not disclose any confidential information received in the course of that employment or engagement other than in accordance with this regulation.

(2) A supervisory body may only use confidential information received in the exercise of its functions under these Regulations—

- (a) in discharging those functions or its functions under any other enactment relating to the enforcement of international sanctions or the prevention of money laundering, the financing of terrorism or proliferation financing;
- (b) in an appeal against one of its decisions; or
- (c) in court proceedings initiated by it in the exercise of, or otherwise relating to, the discharge of its functions.

(3) Nothing in this regulation prevents the exchange of information between a supervisory body and another supervisory body or relevant authority if the body or authority to which the information is provided holds it subject to an obligation of confidentiality equivalent to that in sub-regulation (1).

(4) Nothing in this regulation requires a supervisory body to disclose to any person any information that is privileged.

(5) Nothing in this regulation prevents the disclosure of information only in summary or aggregate form and in a way that no relevant firm or other person is identifiable from the information disclosed.

**PART 4  
SUPERVISORY POWERS***General Supervisory Powers***Supervisory powers.**

7.(1) A supervisory body may—

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- (a) take preventative and corrective measures to ensure that a relevant firm complies with its screening obligation;
  - (b) take any necessary measures, including those of an administrative or financial nature, with regard to a relevant firm;
  - (c) require all information necessary to conduct effective supervision; or
  - (d) carry out on-site investigations at the premises of a relevant firm.
- (2) Sub-regulation (1) applies without limiting a supervisory body's powers under any other enactment.

#### *Powers to obtain information.*

#### **Power to require documents and information.**

8.(1) A supervisory body may by notice require a relevant firm, its officers or senior managers—

- (a) to provide the supervisory body with specified information or information of a specified description;
- (b) to produce to the supervisory body specified documents or documents of a specified description; or
- (c) to attend before the supervisory body, at a specified time and place, to—
  - (i) answer questions appearing to the supervisory body to be relevant in connection with the exercise of its functions specified in subsection (2); and
  - (ii) provide any information that the supervisory body may require.

(2) The supervisory body may require any person who appears to it to be in possession of any information or document specified in a notice under sub-regulation (1)(a) or (b) to provide that information or produce that document.

(3) The supervisory body may—

- (a) take copies of or extracts from any document produced;



- (b) require the person who has provided information or produced a document to provide an explanation of that information or document; and
  - (c) require a person to state, to the best of the person's knowledge and belief, where any information or document might be found.
- (4) Where any information or document is not recorded in legible form, a requirement to provide or produce it includes the requirement to supply a copy of it in legible form.
- (5) In this regulation references to a supervisory body include any person a supervisory body may authorise to perform its functions under this regulation.

**Skilled person report.**

9.(1) A supervisory body may by notice require a relevant firm to appoint a person (the "skilled person") to provide the supervisory body with a report on any matter about which it may reasonably require information in connection with the exercise of its functions under these Regulations.

- (2) The skilled person must be—
- (a) a person appearing to the supervisory body to have the professional skills necessary to make a report on the matter concerned; and
  - (b) nominated or approved by the supervisory body.
- (3) The costs of producing a skilled person's report are to be borne by the relevant firm required to provide the report.
- (4) An auditor of a relevant firm is not to be regarded as contravening any duty owed to that firm if the auditor communicates to the supervisory body in good faith (and whether or not in response to a request it has made)—
- (a) any information relating to the business or affairs of the relevant firm of which the auditor becomes aware; or
  - (b) any opinion which the auditor may form concerning the business or affairs of the relevant firm,

when acting in the capacity of the auditor of the relevant firm or as a person appointed to make a skilled person's report in respect of the relevant firm.

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(5) In sub-regulation (4) any reference to information relating to or concerning the business or affairs of the relevant firm includes a reference to information that relates to or concerns the business or affairs of a body with which the relevant firm is linked by control and which is relevant to the exercise of any functions conferred on the supervisory body by these Regulations.

*Powers to appoint inspectors.*

**Appointment of inspectors.**

10. A supervisory body may appoint a person who it considers to be competent to do so (“an inspector”) to investigate and report on compliance by a relevant firm with its screening obligation.

**Powers of inspectors.**

11.(1) An inspector appointed under regulation 10 may–

- (a) examine on oath (and has the power to administer oaths for that purpose)–
  - (i) the relevant firm whose affairs the inspector is appointed to investigate;
  - (ii) any officer, employee or agent of the firm; or
  - (iii) any banker to or auditor, barrister or solicitor of the firm; and
- (b) if the inspector considers it necessary, investigate the affairs of any other person who was at the relevant time a partner, associate, director, officer, employee, subsidiary or holding company or is closely linked to the relevant firm.

(2) Nothing in sub-regulation (1) requires a barrister or solicitor to disclose any information or document which is subject to legal professional privilege.

(3) If an inspector exercises the powers conferred by sub-regulation (1)(b), the inspector must include in any report only such matters concerning the other person as are directly relevant to the investigation which the inspector has been appointed to conduct.

(4) The costs of producing an inspector’s report must be borne by the relevant firm to whom the report relates.

**Inspector’s report.**

12.(1) The inspector–

- (a) may (and if the supervisory body so directs, must) make interim reports to the supervisory body; and
- (b) on the conclusion of the investigation, must make a final report to the supervisory body.

(2) The supervisory body may if it thinks fit–

- (a) provide copies of any inspector's report to–
  - (i) the relevant firm concerned;
  - (ii) the Chief Minister or any person or body the Chief Minister appoints in accordance with paragraph 1 of Schedule 4 to the Act; or
  - (iii) other supervisory bodies or relevant authorities (whether in Gibraltar or elsewhere); and
- (b) provide a copy on request to–
  - (i) any other person that is subject to the report; or
  - (ii) the auditors of the relevant firm.

**Duty to produce records, etc.**

13. It is the duty of every person whose affairs are being investigated under the powers conferred by this Part and of any other person whom an inspector examines under those powers, to provide information which is in that person's possession or control.

**Admissibility of statements.**

14. A statement made by a person in response to a requirement imposed under regulation 9 or 11 may only be used in evidence in criminal proceedings against the person if–

- (a) the person has introduced the statement in evidence; or
- (b) the proceedings concern the prosecution of the person–
  - (i) for an offence under Part 6; or

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- (ii) for an offence where, in giving evidence, the person makes a statement inconsistent with the statement to which this regulation applies.

**PART 5  
ENFORCEMENT**

*Directions*

**Directions.**

15.(1) Where a supervisory body—

- (a) believes or suspects on reasonable grounds that a relevant firm is contravening or has contravened its screening obligation or a provision of these regulations; or
- (b) considers that it is in the public interest to do so,

the supervisory body may, by notice in writing served on the relevant firm, direct it, at its own expense, to take or refrain from taking any course of action that the supervisory body specifies in the notice.

(2) The supervisory body may from time to time revoke or vary a direction given under this regulation in the same manner as it was given.

*Contravention of screening obligation, etc.*

**Contraventions.**

16.(1) Where a supervisory body is satisfied that a relevant firm has contravened its screening obligation or a provision of these regulations, the supervisory body may impose one or more of the following enforcement measures—

- (a) a direction under regulation 15 (if it has not already done so);
- (b) an administrative penalty;
- (c) a suspension or revocation of authorisation; or
- (d) a temporary management prohibition.

(2) A supervisory body may impose one or more enforcement measures on a member of the management body of a relevant firm or any other individual who was responsible for, or knowingly concerned in, a contravention.

**Administrative penalties.**

17.(1) Subject to sub-regulation (2), a supervisory body may impose an administrative penalty not exceeding—

- (a) twice the amount of the benefit derived from the contravention, where that benefit can be determined; or
- (b) €1 million;

(2) Where a relevant firm is a credit institution or a financial institution, a supervisory body may impose an administrative penalty not exceeding—

- (a) in the case of a legal person—
  - (i) €5 million; or
  - (ii) 10% of the total annual turnover according to the latest available accounts approved by the management body;
- (b) in the case of an individual, €5 million.

(3) Where the relevant firm is a parent undertaking or a subsidiary of a parent undertaking that is required to prepare consolidated accounts under the Companies Act 2014, the relevant total annual turnover is the total annual turnover (or the corresponding type of income) according to the last available consolidated accounts approved by the management body of the ultimate parent undertaking.

(4) An administrative penalty imposed under this regulation may be enforced as if it were a civil debt owed to the supervisory body.

(5) An administrative penalty under this regulation may not be imposed on a person who for the same contravention has been convicted of an offence.

**Suspension or revocation of authorisation, etc.**

18.(1) A supervisory body may suspend or revoke the registration or authorisation (however described) of a relevant firm.

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(2) A suspension under sub-regulation (1) must specify the period during which it applies, which must not exceed 18 months.

**Management prohibition.**

19.(1) A supervisory body may prohibit an individual from exercising managerial functions in a relevant firm if the person is responsible for the firm's contravention of its screening obligation.

(2) A prohibition under sub-regulation (1) must specify the period during which it applies.

(3) Subject to sub-regulation (4) the period specified must not exceed 18 months.

(4) A prohibition which is imposed on an individual who is responsible for a firm's repeated contravention of its screening obligation may have effect for an indefinite period.

*Determination of enforcement measures*

**Liability of legal persons.**

20.(1) A supervisory body may take action under regulations 15 or 17 to 19 against a legal person where—

- (a) a controlling person commits a contravention for the benefit of that legal person; or
- (b) a lack of supervision or control by a controlling person has made it possible for a person under the controlling person's authority to commit a contravention for the benefit of that legal person.

(2) In sub-regulation (1), "controlling person" means a person who—

- (a) has a leading position within the legal person, based on—
  - (i) a power to represent the legal person;
  - (ii) authority to take decisions on behalf of the legal person; or
  - (iii) authority to exercise control within the legal person; and
- (b) acts alone or as part of an organ of the legal person.

**Liability of individuals.**

21. Where a legal person has contravened the screening obligation or a provision of these regulations, a supervisory body may take action under regulations 15 or 17 to 19 against members of the legal person's management body and other individuals to whom the contravention is attributed.

**Effective application of enforcement measures.**

22.(1) A supervisory body must ensure that the type and level of any enforcement measure is reasonable, proportionate, effective and dissuasive, taking account of all relevant circumstances, including where appropriate—

- (a) the gravity and duration of the contravention;
- (b) the degree of responsibility of the responsible person;
- (c) the financial strength of the responsible person as indicated—
  - (i) in the case of a legal person, by its total turnover; or
  - (ii) in the case of an individual, by the individual's annual income;
- (d) the benefit derived from the contravention by the responsible person, where it can be determined;
- (e) the losses to third parties caused by the contravention, where they can be determined;
- (f) the level of cooperation of the responsible person with the supervisory body; and
- (g) previous contraventions by the responsible person.

(2) In this regulation, a reference to a “responsible person” means the relevant firm or any person who was responsible for or knowingly concerned in the contravention.

**Cooperation on the imposition of enforcement measures.**

23.(1) When taking action under this Part, a supervisory body may, where appropriate, cooperate with other supervisory bodies and relevant authorities (whether in Gibraltar or elsewhere) to ensure the actions taken produce the desired results.

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- (2) A supervisory body may take action under this Part—
- (a) in collaboration with other supervisory bodies and relevant authorities (whether in Gibraltar or elsewhere); or
  - (b) under their responsibility by delegation to other supervisory bodies and relevant authorities (whether in Gibraltar or elsewhere).

*Procedural requirements*

**Warning notices.**

24.(1) Before imposing an enforcement measure, a supervisory body must give the relevant person a warning notice, stating the action proposed and the reasons for it.

(2) Sub-regulation (1) does not apply if the supervisory body is satisfied that a warning notice—

- (a) cannot be given because of urgency;
  - (b) should not be given because of the risk that steps would be taken to undermine the effectiveness of the action to be taken; or
  - (c) is superfluous having regard to the need to give notice of legal proceedings or for some other reason.
- (3) A warning notice—
- (a) must give the recipient not less than 14 days to make representations; and
  - (b) must specify a period within which the recipient may decide whether to make oral representations.
- (4) The period for making representations may be extended by the supervisory body.
- (5) A person to whom a warning notice is given or copied may not publish the notice or any details concerning it unless the GFSC has published the notice or those details.

**Issue of decision notices and directions.**

25.(1) This regulation applies where a supervisory body has—



- (a) issued a warning notice; or
  - (b) dispensed with the requirement to issue a warning notice in accordance with regulation 24(2).
- (2) After considering any representations made in accordance with regulation 24, the supervisory body must issue—
- (a) a decision notice stating that the supervisory body will take the action specified in the warning notice;
  - (b) a discontinuance notice stating that the supervisory body does not propose to take that action; or
  - (c) a combined notice consisting of—
    - (i) a decision notice stating that the supervisory body will take certain action specified in the warning notice; and
    - (ii) a discontinuance notice in respect of the remaining actions.
- (3) A decision notice takes effect, and the specified action may be taken—
- (a) at the end of the period for bringing an appeal if no appeal is brought; or
  - (b) when any appeal is finally determined or withdrawn.
- (4) A person to whom a decision notice or discontinuance notice is given or copied may not publish the notice or any details concerning it unless the GFSC has published the notice or those details.

**Interim orders.**

26. A supervisory body may apply to the Supreme Court for permission to impose an enforcement measure where a decision notice has been issued and has not yet taken effect (whether or not a warning notice has been issued).

**Service of notice and documents.**

27.(1) Any notice or other document to be served by or on behalf of a supervisory body under or in connection with these Regulations is validly served on the recipient if—

- (a) in the case of an individual, it is delivered to the individual, or left or sent by recorded delivery service addressed to the individual, at the individual's usual or last known place of abode;
  - (b) in the case of a body corporate, it is left at, or sent by recorded delivery service to its registered office in Gibraltar or, if its registered office is not in Gibraltar, its last known place of business in Gibraltar;
  - (c) in the case of an unincorporated body, it is delivered to any partner, manager, or other similar officer of that body, or is left at or sent by recorded delivery service to the last known place of business of that body; or
  - (d) in the case of any other person, it is left at or sent by recorded delivery service to the address in Gibraltar notified by the person to the supervisory body for the service of notices or other documents.
- (2) Sub-regulation (1) applies without limiting any other method of service adopted by the supervisory body.
- (3) A requirement imposed by or under these Regulations for a person to send or serve on another person ("the recipient") any notice or other document may also be satisfied by sending it to the recipient by electronic means if the recipient–
- (a) has notified the sender that the recipient is willing to receive notices or documents of that kind by that means; and
  - (b) has not withdrawn that notification.
- (4) A notification under sub-regulation (3)(a) or withdrawal under sub-regulation (3)(b) must be given in writing (which includes in electronic form).
- (5) For the purposes of sub-regulation (3), where the intended recipient is–
- (a) a supervisory body, it must publish on its website an email address to which the notice or document may be sent; or
  - (b) a person other than a supervisory body, the recipient must provide the sender with the recipient's email address.
- (6) A notice or document sent by electronic means must be sent in a form that the sender reasonably considers will enable the recipient to–

- (a) read it, and
- (b) retain a copy of it.

(7) For the purposes of sub-regulation (6), a notice or document can be read only if it can be read (or, to the extent that it consists of images, seen) with the naked eye.

**Variation or revocation of indefinite management prohibition.**

28.(1) An individual who is subject to an indefinite management prohibition imposed by a supervisory body under regulation 19(4) may apply to the supervisory body to vary or revoke the prohibition.

(2) The supervisory body must, before the end of the period for consideration–

- (a) grant the application; or
- (b) give a warning notice stating why it proposes not to grant the application.

(3) The “period for consideration” means the period of three months beginning with the date on which the supervisory body receives the application.

(4) A warning notice must–

- (a) give the recipient not less than 28 days to make representations; and
- (b) specify a period within which the recipient may decide whether to make oral representations.

(5) The period for making representations may be extended by the supervisory body.

(6) After considering any representations made the supervisory body must issue–

- (a) a decision notice stating that the application is refused; or
- (b) an acceptance notice stating that the application is granted.

(7) An application under sub-regulation (1) has no effect if it is made within one year of the supervisory body giving a warning notice in respect of a previous application made by the same individual.

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(8) A decision notice under this regulation takes effect immediately.

*Appeals and Miscellaneous*

**Appeals.**

29.(1) A person aggrieved by the exercise of a power or the issue of a decision notice under these Regulations may appeal to the Supreme Court within 21 days of–

- (a) the day the power was exercised; or
- (b) the date the decision notice was issued.

(2) The court may confirm, reverse or vary the matter appealed against or may direct the supervisory body to take any actions which the court directs.

(3) The institution of an appeal does not operate as a stay of the matter appealed against, but the court may, in its discretion, grant a stay or other relief until the appeal has been determined.

**Public statement.**

30.(1) Subject to sub-regulation (3), where a supervisory body has imposed an enforcement measure, it must publish on its website a statement specifying–

- (a) the action taken by the supervisory body;
- (b) the type and nature of the contravention; and
- (c) the identity of the person responsible for the contravention.

(2) Before publication of a statement under sub-regulation (1), the supervisory body must conduct a case by case assessment of the proportionality of the publication.

(3) Where–

- (a) the assessment under sub-regulation (1) determines that publication of the identity or personal data of the person who is responsible for the contravention is disproportionate; or
- (b) the supervisory body considers that publication would jeopardise–
  - (i) the stability of financial markets; or

- (ii) an ongoing investigation,

the supervisory body may take the measures prescribed in sub-regulation (4).

(4) The measures are—

- (a) delaying the publication of the statement until the reasons for not publishing it cease to exist;
- (b) publishing the statement on an anonymous basis, in a manner which accords with the law, where it is considered that such publication ensures an effective protection of the personal data concerned; or
- (c) not publishing the statement, where the measures set out in paragraphs (a) and (b) would be insufficient to ensure—
  - (i) the stability of financial markets would not be put in jeopardy; or
  - (ii) the proportionality of publishing a statement, having regard to the minor nature of the contravention.

(5) Where a statement is to be published on an anonymous basis in accordance with sub-regulation (4)(b), that publication may be postponed for a reasonable period of time if it is foreseen that within that period the reasons for anonymous publication will cease to exist.

(6) A supervisory body must publish any decision annulling an enforcement measure imposed by the supervisory body.

(7) No publication can be made while an appeal could be brought or is pending.

(8) A statement published by a supervisory body in accordance with this regulation must be maintained on its website for a period of five years.

(9) Personal data contained within a published statement may only be kept on the website for the period permitted in accordance with Gibraltar law.

### **Reporting of offences.**

31. Where a supervisory body has reasonable grounds to suspect that a person has committed an offence, whether under Part 6 or otherwise, it must promptly inform the appropriate law enforcement authority.

**PART 6  
OFFENCES****Providing untrue statements or information.**

32.(1) A person (P) commits of an offence if, when acting in connection with or providing information to a supervisory body under Part 4, P wilfully makes a statement or supplies information that P knows to be untrue in a material respect.

(2) A person who commits an offence under sub-regulation (1) is liable—

- (a) on summary conviction to imprisonment for six months or a fine at level 3 on the standard scale, or both; or
- (b) on conviction on indictment to imprisonment for a term of up to two years or a fine not exceeding four times the amount at level 5 on the standard scale, or both.

**Refusal to co-operate.**

33.(1) A person who refuses to provide information or cooperate with—

- (a) a supervisory body;
- (b) a skilled person appointed under regulation 9; or
- (c) an inspector appointed under regulation 10,

commits an offence and is liable on conviction on indictment to imprisonment for two years or fine of four times the amount at level 5 on the standard scale, or both.

(2) A person (P) does not commit an offence under sub-regulation (1) if—

- (a) P is an independent legal professional, notary, auditor, external accountant or tax advisor;
- (b) P refuses to provide information to a supervisory body, skilled person or an inspector; and
- (c) the information was obtained by P from or on behalf of a client in the course of—
  - (i) ascertaining the legal position of the client; or

- (ii) representing the client in or in connection with judicial proceedings, including advising on instituting or avoiding such proceedings.

(3) Sub-regulation (2) applies whether P obtained the information before, during or after such proceedings.

**Breach of confidentiality.**

34.(1) A person who discloses information in contravention of regulation 6 commits an offence and is liable on summary conviction to imprisonment for three months, or a fine at level 5 on the standard scale, or both.

(2) It is a defence for a person charged with an offence under sub-regulation (1) to prove that the person—

- (a) did not know and had no reason to suspect that the information was confidential information; and
- (b) took all reasonable precautions and exercised all due diligence to avoid committing the offence.

**Offences by body corporate, partnerships and unincorporated associations.**

35.(1) Where an offence under these Regulations—

- (a) is committed by or on behalf of a body corporate, partnership, or unincorporated body (other than a partnership); and
- (b) is proved—
  - (i) to have been committed with the consent or connivance of an officer; or
  - (ii) to be attributable to any neglect on the part of an officer,

the officer, as well as the body corporate, partnership, or unincorporated body (as the case may be) commits the offence and is liable to be proceeded against and punished accordingly.

(2) In sub-regulation (1) “officer” means—

- (a) in respect of a body corporate—

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- (i) a director, manager, secretary or other officer; or
  - (ii) where the affairs of the body are managed by its members, a member;
- (b) in respect of a partnership, a partner;
- (c) in respect of an unincorporated body—
  - (i) an officer of that body; or
  - (ii) a member of its governing body; or
- (d) any person purporting to act in a capacity within any of paragraphs (a) to (c).