

giving of such consent, would be entitled to require the preservation of the confidentiality of that information;

"Minister" means the person charged for the time being with responsibility for finance;

"normal course of business or professional practice" means the ordinary and necessary routine involved in the efficient carrying out of the instructions of a principal including compliance with such laws and legal processes as arises out of or in connection therewith and the routine exchange of information between professional persons;

"principal" means a person who has imparted to another person confidential information in the course of his business or professional relationship with that other person, and includes a customer of a bank in relation to his business transactions with that bank;

"professional person" includes an accountant, an attorney (or other legal practitioner by whatever name called), a broker or other kind of commercial agent or adviser, a bank or other financial institution, any public officer or other government official or employee, and such other persons as may be prescribed as being professional persons for the purposes of this Ordinance, and whether or not any such person was licensed or authorised, under any law for the time being in force, to act in that capacity; and also includes any person subordinate to or in the employment or under the control of any such person for the purpose of his professional activities;

"property" includes every present, contingent or future interest or claim, direct or indirect, legal or equitable, positive or negative, in any money or money's worth, real personal, moveable or immoveable, rights, charges and securities thereover and all documents and things evidencing or relating thereto.

3.—(1) Subject to the provisions of subsection (2), this Ordinance shall apply to all confidential information with respect to business of a professional nature which arises in or is brought into the Islands and to all persons who come into possession of such information at any time thereafter, whether within or without the Islands.

Application of
Ordinance.

(2) This Ordinance shall not apply to confidential information given to or received by—

(a) any professional person acting in the normal course of business or professional practice or with the consent, express or implied, of the relevant principal;

(b) any person in the course of the taking or giving of evidence, whether within or without the Islands, for the purpose of or in the course of the trial of any person in respect of an alleged criminal offence triable within the Islands or which would have been so triable if it had been committed within the Islands;

(c) a police officer in the execution of his duties whether within or without the Islands, investigating any criminal offence alleged to have been committed within the Islands or which, if it had been committed within the Islands, would have been a criminal offence under the law of the Islands;

(d) the Minister or a person exercising powers of examination or investigation under any of the provisions of the Banking Ordinance 1979 or any law repealing or replacing that Ordinance.

4.—(1) Subject to the provisions of subsection (2) of section 3, any person who—

Offences and
penalties.

(a) being in possession of confidential information, however obtained—

(i) divulges it to any person not entitled to possession thereof; or

(ii) attempts, offers or threatens to divulge it to any person not entitled to possession thereof;