



Enterprise and New Towns (Scotland) Act 1990

1990 CHAPTER 35

PART I

SCOTTISH ENTERPRISE AND HIGHLANDS AND ISLANDS ENTERPRISE

Powers

12 Further provision as regards obtaining information etc.

- (1) Scottish Enterprise and Highlands and Islands Enterprise shall each be a competent authority for the purposes of the ^{M1}Statistics of Trade Act 1947, and the reference in section 1(1) of that Act (power of competent authorities to obtain information) to the discharge by government departments of their functions shall include a reference to the discharge by each of the bodies of its functions.
- (2) Nothing in section 9 of the said Act of 1947 (restrictions on disclosure of information) shall prevent or penalise—
 - (a) the disclosure by the Secretary of State of relevant information to Scottish Enterprise or Highlands and Islands Enterprise;
 - (b) the disclosure by Scottish Enterprise or Highlands and Islands Enterprise of relevant information to a government department;
 - (c) the disclosure by Scottish Enterprise and Highlands and Islands Enterprise to each other, or by either to a board, of relevant information which is of a kind specified in a notice in writing given to the body making the disclosure and to the recipient of the information by the Secretary of State in pursuance of this paragraph;
 - (d) the disclosure by Scottish Enterprise or Highlands and Islands Enterprise of relevant information, consisting of the name and address of any establishment, the numbers of persons of different descriptions employed there and the nature of the activities carried on there, to—

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- (i) a person who is, or is to be, engaged in carrying out on behalf of either body (or both bodies) any research or survey related to matters connected with training for or relevant to employment; or
 - (ii) an officer of a planning authority (within the meaning of the ^{M2}Town and Country Planning (Scotland) Act 1972) or of a development corporation (within the meaning of the ^{M3}New Towns (Scotland) Act 1968), being an officer who is authorised by the authority or as the case may be by the corporation to receive the information; or
 - (e) the disclosure by Scottish Enterprise or Highlands and Islands Enterprise to a person to whom notice in writing is given by the Secretary of State in pursuance of this paragraph of statistics compiled wholly or partly from relevant information about the number of persons employed in any activity or area provided that the giving of the notice is intimated by the Secretary of State to the body in question before the disclosure.
- (3) In subsection (2) above—
- “a board” means an industrial training board established under section 1 of the ^{M4}Industrial Training Act 1964 or under section 1 of the ^{M5}Industrial Training Act 1982; and
 - “relevant information” means information obtained under the ^{M6}Statistics of Trade Act 1947,
- and any reference in that subsection to—
- (i) the Secretary of State, a government department, Scottish Enterprise, Highlands and Islands Enterprise or such a board includes an officer of his, or as the case may be of that body;
 - (ii) such a board includes a committee appointed by the board, any officer of such a committee and any person entitled to take part in proceedings of the board.
- (4) Notice in pursuance of paragraph (c) or (e) of subsection (2) above shall include specification of the purpose for which the information disclosed may be used.
- (5) A person to whom information is disclosed by virtue of subsection (2) above shall not use the information for a purpose other than—
- (a) in a case falling within paragraph (a) of the subsection, a purpose of the body to which the disclosure is made;
 - (b) in a case falling within paragraph (b) of the subsection, a purpose of the government department in question;
 - (c) in a case falling within paragraph (c) or (e) of the subsection, the purpose specified under subsection (4) above in the notice given to the person in pursuance of the paragraph in question;
 - (d) in a case falling within paragraph (d)(i) of the subsection, a purpose related to the carrying out of the research or survey in question;
 - (e) in the case of information given by virtue of paragraph (d)(ii) of the subsection to an officer of a planning authority, the purposes of the functions conferred on the authority by Part II of [^{F1}the Town and Country Planning (Scotland) Act 1997]; and
 - (f) in the case of information given by virtue of the said paragraph (d)(ii) to an officer of a development corporation, the purposes of the functions conferred on the corporation by section 3 of the ^{M7}New Towns (Scotland) Act 1968 (objects and general powers of corporation).

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- (6) A person who contravenes subsection (5) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (7) Without prejudice to section 30(5) of this Act, Scottish Enterprise and Highlands and Islands Enterprise shall each furnish the Secretary of State with such information in its possession as he may require in connection with the determination of questions relating to contributions or benefit under—
- (a) the benefit Acts (as defined in section 84(1) of the ^{M8}Social Security Act 1986); or
 - (b) the ^{M9}Social Security Act 1988,
- and any information falling to be furnished in pursuance of this subsection shall be furnished in such form and at such times as the Secretary of State may direct.

Textual Amendments

F1 Words in s. 12(5)(e) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 47(3)**.

Marginal Citations

M1 1947 c. 39.
M2 1972 c. 52.
M3 1968 c. 16.
M4 1964 c. 16.
M5 1982 c. 10.
M6 1947 c. 39.
M7 1968 c. 16.
M8 1986 c. 50.
M9 1988 c. 7.

Changes to legislation:

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