



Railways Act 1993

1993 CHAPTER 43

PART III

MISCELLANEOUS, GENERAL AND SUPPLEMENTAL PROVISIONS

Supplemental

145 General restrictions on disclosure of information

- (1) Subject to the following provisions of this section, no information with respect to any particular business which—
- (a) has been obtained under or by virtue of any of the provisions of this Act; and
 - (b) relates to the affairs of any individual or to any particular business,
- shall, during the lifetime of that individual or so long as that business continues to be carried on, be disclosed without the consent of that individual or the person for the time being carrying on that business.
- (2) Subsection (1) above does not apply to any disclosure of information which is made—
- (a) for the purpose of facilitating the carrying out by the Secretary of State, the Regulator, the Franchising Director or the Monopolies Commission of any of his or, as the case may be, their functions under this Act;
 - (b) for the purpose of facilitating the carrying out by—
 - (i) any Minister of the Crown,
 - (ii) the Director General of Fair Trading,
 - (iii) the Monopolies Commission,
 - (iv) the Director General of Telecommunications,
 - (v) the Director General of Gas Supply,
 - (vi) the Director General of Water Supply,
 - (vii) the Director General of Electricity Supply,
 - (viii) the Civil Aviation Authority,
 - (ix) the Insolvency Practitioners Tribunal, or

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- (x) a local weights and measures authority in Great Britain,
of any of his or, as the case may be, their functions under any of the enactments
or instruments specified in subsection (3) below;
- (c) for the purpose of enabling or assisting the Secretary of State or the Treasury
to exercise any powers conferred by the Financial Services Act 1986 or by
the enactments relating to companies, insurance companies or insolvency or
for the purpose of enabling or assisting any inspector appointed under the
enactments relating to companies to carry out his functions;
- (d) for the purpose of enabling or assisting an official receiver to carry out his
functions under the enactments relating to insolvency or for the purpose
of enabling or assisting a recognised professional body for the purposes of
section 391 of the Insolvency Act 1986 to carry out its functions as such;
- (e) for the purpose of facilitating the carrying out by the Health and Safety
Commission or the Health and Safety Executive of any of its functions under
any enactment or of facilitating the carrying out by any enforcing authority,
within the meaning of Part I of the Health and Safety at Work etc. Act 1974,
of any functions under a relevant statutory provision, within the meaning of
that Act;
- (f) for the purpose of facilitating the carrying out by the Comptroller and Auditor
General of any of his functions under any enactment;
- (g) for the purpose of facilitating the carrying out by the International Rail
Regulator of any of his functions under any subordinate legislation made for
the purpose of implementing the Directive [91/440/EEC](#) of the Council of
the European Communities dated 29th July 1991 on the development of the
Community's railways;
- (h) in connection with the investigation of any criminal offence or for the
purposes of any criminal proceedings;
- (j) for the purposes of any civil proceedings brought under or by virtue of this Act
or any of the enactments or instruments specified in subsection (3) below; or
- (k) in pursuance of a Community obligation.
- (3) The enactments and instruments referred to in subsection (2) above are—
- (a) the Trade Descriptions Act 1968;
- (b) the Fair Trading Act 1973;
- (c) the Consumer Credit Act 1974;
- (d) the Restrictive Trade Practices Act 1976;
- (e) the Resale Prices Act 1976;
- (f) the Estate Agents Act 1979;
- (g) the Competition Act 1980;
- (h) the Telecommunications Act 1984;
- (j) the Airports Act 1986;
- (k) the Gas Act 1986;
- (l) the Insolvency Act 1986;
- (m) the Consumer Protection Act 1987;
- (n) the Electricity Act 1989;
- (o) the Property Misdescriptions Act 1991;
- (p) the Water Industry Act 1991;
- (q) the Water Resources Act 1991;

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- (r) any subordinate legislation made for the purpose of securing compliance with the Directive [84/450/EEC](#) of the Council of the European Communities dated 10th September 1984 on the approximation of the laws, regulations and administrative provisions of the member States concerning misleading advertising.
- (4) The Secretary of State may by order provide that subsections (2) and (3) above shall have effect subject to such modifications as are specified in the order.
- (5) Nothing in subsection (1) above shall be construed—
- (a) as limiting the matters which may be published under section 71 above or may be included in, or made public as part of, a report of the Regulator, the Franchising Director, the Monopolies Commission, the Central Committee or a consultative committee under any provision of Part I above;
 - (b) as applying to any information—
 - (i) which has been so published or has been made public as part of such a report; or
 - (ii) which has otherwise been made available to the public by virtue of being disclosed in any circumstances in which, or for any purpose for which, disclosure is not precluded by this section.
- (6) Any person who discloses any information in contravention of this section is guilty of an offence and shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (7) In this section—
- “the Central Committee” has the same meaning as in Part I above;
 - “consultative committee” has the same meaning as in Part I above and includes a reference to the London Regional Passengers' Committee.