



# Greater London Authority Act 1999

## 1999 CHAPTER 29

### PART IV

#### TRANSPORT

### CHAPTER VII

#### PUBLIC-PRIVATE PARTNERSHIP AGREEMENTS

##### *The PPP arbiter*

#### **235 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 by the PPP arbiter under or by virtue of any of the provisions of this Chapter, 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 Mayor of London, Transport for London or the PPP arbiter of any of his or, as the case may be, its functions under this Act;
  - (b) for the purpose of facilitating the carrying out by the Secretary of State, [<sup>F1</sup>the Office of Rail and Road], [<sup>F2</sup>... the [<sup>F3</sup>Competition and Markets Authority] or the Mayor of any of his or, as the case may be, its functions under the <sup>M1</sup>Railways Act 1993 [<sup>F4</sup>, the Railways Act 2005 [<sup>F5</sup>, the Railway (Licensing of Railway Undertakings) Regulations 2005 or the Railways

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(Access, Management and Licensing of Railway Undertakings) Regulations 2016;]]

- (c) for the purpose of facilitating the carrying out by—
- (i) any Minister of the Crown,
  - <sup>F6</sup>(ii) .....
  - <sup>F7</sup>(iii) the Competition and Markets Authority]
  - <sup>F8</sup>(iv) the Office of Communications,]
  - (v) the Director General of Gas Supply,
  - <sup>F9</sup>(vi) the Water Services Regulation Authority,]
  - (vii) the Director General of Electricity Supply,
  - (viii) the Civil Aviation Authority,
  - (ix) <sup>F10</sup>... or
  - (x) a local weights and measures authority in Great Britain,
- of any of his or, as the case may be, its functions under any of the enactments or instruments specified in subsection (3) below;
- (d) for the purpose of enabling or assisting the Secretary of State or the Treasury to exercise any powers conferred by the <sup>M2</sup>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;
- (e) 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 <sup>M3</sup>Insolvency Act 1986 to carry out its functions as such;
- (f) for the purpose of facilitating the carrying out by <sup>F11</sup>... 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 <sup>M4</sup>Health and Safety at Work etc. Act 1974, of any functions under a relevant statutory provision, within the meaning of that Act;
- <sup>F12</sup>(fa) for the purpose of facilitating the carrying out by the Office for Nuclear Regulation of any of its functions under any enactment;]
- (g) for the purpose of facilitating the carrying out by the Comptroller and Auditor General of any of his functions under any enactment;
- <sup>F13</sup>(h) .....
- (j) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;
  - (k) 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
  - (l) in pursuance of <sup>F14</sup>[an EU] obligation.
- (3) The enactments and instruments referred to in subsection (2) above are—
- (a) the <sup>M5</sup>Trade Descriptions Act 1968;
  - (b) the <sup>M6</sup>Fair Trading Act 1973;
  - (c) the <sup>M7</sup>Consumer Credit Act 1974;
  - <sup>F15</sup>(d) .....
  - <sup>F15</sup>(e) .....
  - (f) the <sup>M8</sup>Estate Agents Act 1979;
  - (g) the <sup>M9</sup>Competition Act 1980;

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- (h) the <sup>M10</sup>Telecommunications Act 1984;
  - (j) the <sup>M11</sup>Airports Act 1986;
  - (k) the <sup>M12</sup>Gas Act 1986;
  - (l) the <sup>M13</sup>Insolvency Act 1986;
  - (m) the <sup>M14</sup>Consumer Protection Act 1987;
  - (n) the <sup>M15</sup>Electricity Act 1989;
  - <sup>F16</sup>(o) .....
  - (p) the <sup>M16</sup>Water Industry Act 1991;
  - (q) the <sup>M17</sup>Water Resources Act 1991;
  - (r) the <sup>M18</sup>Railways Act 1993;
  - [<sup>F17</sup>(rr) the Competition Act 1998]
  - [<sup>F18</sup>(rs) the Enterprise Act 2002;]
  - [<sup>F19</sup>(rt) the Communications Act 2003;]
  - [<sup>F20</sup>(rta) the Water Act 2003;]
  - [<sup>F21</sup>(ru) any subordinate legislation made for the purpose of securing compliance with Directive [2005/29/EC](#) of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market;]
  - [<sup>F22</sup>(s) any subordinate legislation made for the purpose of securing compliance with Directive [2006/114/EC](#) of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising.]
  - [<sup>F23</sup>(t) Part 1 of the Civil Aviation Act 2012]
  - [<sup>F24</sup>(u) Parts 3 and 4 of the Enterprise and Regulatory Reform Act 2013]
  - [<sup>F25</sup>(v) the Water Act 2014.]
- (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) The prohibition imposed by subsection (1) above shall be enforceable by civil proceedings—
- (a) by the individual mentioned in that subsection, or
  - (b) by the person for the time being carrying on the business there mentioned, for an injunction or for any other appropriate relief or remedy.
- <sup>F26</sup>(6) .....

#### Textual Amendments

- F1** Words in s. 235(2)(b) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 4(n)(iv)**
- F2** Words in s. 235(2)(b) repealed (1.12.2006) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), Sch. 12 para. 14(5) (a), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.
- F3** Words in s. 235(2)(b) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), **Sch. 1 para. 119(2)** (with art. 3)
- F4** Words in s. 235(2)(b) substituted (28.11.2005) by [The Railways Infrastructure \(Access and Management\) Regulations 2005 \(S.I. 2005/3049\)](#), reg. 1(1), **Sch. 1 para. 5(a)** (with reg. 4)
- F5** Words in s. 235(2)(b) substituted (31.12.2020) by [The Railway \(Licensing of Railway Undertakings\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/700\)](#), regs. 1(2), **23**; 2020 c. 1, Sch. 5 para. 1(1)

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- F6** S. 235(2)(c)(ii) omitted (1.4.2014) by virtue of The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 119(3)** (with art. 3)
- F7** S. 235(2)(c)(iii) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 119(3)** (with art. 3)
- F8** S. 235(2)(c)(iv) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 17 para. 157(2)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)
- F9** S. 235(2)(c)(vi) substituted (31.3.2017) by The Water Act 2014 (Consequential Amendments etc.) Order 2017 (S.I. 2017/506), arts. 1(1), **11(a)**
- F10** S. 235(2)(c)(ix) omitted (1.10.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 6 para. 22(10)**; S.I. 2015/1732, art. 2(e)(vi) (with art. 7)
- F11** Words in s. 235(2)(f) omitted (1.4.2008) by virtue of The Legislative Reform (Health and Safety Executive) Order 2008 (S.I. 2008/960), art. 1, **Sch. 3** (with art. 21, Sch. 2)
- F12** S. 235(2)(fa) inserted (1.4.2014) by Energy Act 2013 (c. 32), s. 156(1), **Sch. 12 para. 73**; S.I. 2014/251, art. 4
- F13** S. 235(2)(h) omitted (28.11.2005) by virtue of The Railways Infrastructure (Access and Management) Regulations 2005 (S.I. 2005/3049), reg. 1(1), **Sch. 1 para. 5(b)** (with reg. 4)
- F14** Words in Act substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, 3, 4, 6(1)(3) (with art. 3(2)(3), 4(2), 6(4)(5))
- F15** S. 235(3)(d)(e) repealed (1.3.2000) by S.I. 2000/311, **art. 35(2)(a)**
- F16** S. 235(3)(o) omitted (1.10.2013) by virtue of The Property Misdescriptions Act 1991 (Repeal) Order 2013 (S.I. 2013/1575), art. 1, **Sch. para. 2**
- F17** S. 235(3)(rr) inserted (1.3.2000) by S.I. 2000/311, **art. 35(2)(b)**
- F18** S. 235(3)(rs) inserted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 39(2)(b)**; S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F19** S. 235(3)(rt) inserted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 17 para. 157(3)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)
- F20** S. 235(3)(rta) inserted (31.3.2017) by The Water Act 2014 (Consequential Amendments etc.) Order 2017 (S.I. 2017/506), arts. 1(1), **11(b)(i)**
- F21** S. 235(3)(ru) inserted (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 1, **Sch. 2 para. 59(a)** (with reg. 28(2)(3))
- F22** S. 235(3)(s) substituted (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 1, **Sch. 2 para. 59(b)** (with reg. 28(2)(3))
- F23** S. 235(3)(t) inserted (6.4.2013) by Civil Aviation Act 2012 (c. 19), s. 110(1), **Sch. 9 para. 10** (with Sch. 10 paras. 12, 17); S.I. 2013/589, art. 2(3)
- F24** S. 235(3)(u) inserted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 119(4)** (with art. 3)
- F25** S. 235(3)(v) inserted (31.3.2017) by The Water Act 2014 (Consequential Amendments etc.) Order 2017 (S.I. 2017/506), arts. 1(1), **11(b)(ii)**
- F26** S. 235(6) repealed (1.2.2001) by 2000 c. 38, ss. 215(1), 274, Sch. 16 para. 66(1)(3), **Sch. 31 Pt. IV**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in Sch. 2 Pt. II) (which S.I. is amended by S.I. 2001/115, **art. 2(2)**)

**Modifications etc. (not altering text)**

- C1** S. 235(3) modified (8.2.2007 immediately before the Wireless Telegraphy Act 2006 (c. 36) comes into force) by The Wireless Telegraphy (Pre-Consolidation Amendments) Order 2006 (S.I. 2006/1391), art. 1, **Sch. para. 7(3)(e)**

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**C2** S. 235(2) modified (31.12.2020) by [The Railway \(Licensing of Railway Undertakings\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/700\)](#), regs. 1(2), **41**; 2020 c. 1, Sch. 5 para. 1(1)

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**Commencement Information**

**I1** S. 235 wholly in force at 12.1.2000: by virtue of s. 425(2) the Act comes into force at Royal Assent in regards to any power of a Minister of the Crown to make regulations or an order; s. 235 in force at 12.1.2000 by [S.I. 1999/3434](#), **art. 2**

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**Marginal Citations**

**M1** 1993 c. 43.  
**M2** 1986 c. 60.  
**M3** 1986 c. 45.  
**M4** 1974 c. 37.  
**M5** 1968 c. 29.  
**M6** 1973 c. 41.  
**M7** 1974 c. 39.  
**M8** 1979 c. 38.  
**M9** 1980 c. 21.  
**M10** 1984 c. 12.  
**M11** 1986 c. 31.  
**M12** 1986 c. 44.  
**M13** 1986 c. 45.  
**M14** 1987 c. 43.  
**M15** 1989 c. 29.  
**M16** 1991 c. 56.  
**M17** 1991 c. 57.  
**M18** 1993 c. 43.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 334(2A)-(2E) substituted for s. 334(2)-(6) by [2023 c. 55 s. 95\(2\)](#)
- s. 334(9)-(11) inserted by [2023 c. 55 s. 95\(3\)](#)
- s. 337(1A) inserted by [2023 c. 55 s. 96\(1\)\(c\)](#)
- s. 337(2)(ca) inserted by [2023 c. 55 Sch. 6 para. 15](#)
- Sch. 23 para. 1(3A) inserted by [2023 c. 55 s. 244\(2\)](#)
- Sch. 23 para. 3A3B and cross-heading inserted by [2023 c. 55 s. 244\(3\)](#)
- Sch. 23 para. 4(2A)(2B) inserted by [2023 c. 55 s. 244\(4\)](#)
- Sch. 23 para. 4A and cross-heading inserted by [2023 c. 55 s. 244\(6\)](#)