



# Utilities Act 2000

## 2000 CHAPTER 27

### PART VI

#### MISCELLANEOUS AND SUPPLEMENTARY

#### **[<sup>F1</sup>105A Restrictions on disclosure in respect of cross-border exchanges of information**

- (1) This section applies to any information provided to the Authority —
- (a) for the purpose of enabling it to carry out its [<sup>F2</sup>designated regulatory functions]; and
  - (b) by [<sup>F3</sup>the Northern Ireland Authority for Utility Regulation in the exercise of its designated regulatory functions].

[ This section also applies to any information provided to the Authority on or after IP  
<sup>F4</sup>(1A) completion day—

- (a) for the purpose of enabling it to carry out its designated regulatory functions; and
  - (b) by an authority designated in accordance with Article 35 of the Electricity Directive or Article 39 of the Gas Directive.
- (1B) This section also applies to any information provided to the Authority before IP completion day—
- (a) for the purpose of enabling it to carry out its functions as an authority designated in accordance with Article 35 of the Electricity Directive or Article 39 of the Gas Directive; and
  - (b) by—
    - (i) the Northern Ireland Authority for Utility Regulation, or
    - (ii) an authority in another member State which is designated in accordance with Article 35 of the Electricity Directive or Article 39 of the Gas Directive,in accordance with Article 38(1) of the Electricity Directive or Article 42(1) of the Gas Directive.]

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**Changes to legislation:** Utilities Act 2000, Section 105A is up to date with all changes known to be in force on or before 12 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (2) The Authority may disclose information to which this section applies only if—
- (a) [<sup>F5</sup>the authority that provided the information to the Authority (“the originating authority”)] has confirmed in writing that the originating authority would be permitted to disclose the information in the circumstances in question; and
  - (b) the Authority would be permitted under section 105 to disclose the information if it was received under or by virtue of an enactment listed in subsection (1) of that section.
- (3) [<sup>F6</sup>Subsection (1), (1A) or (1B)] applies whether the information is provided directly or indirectly by the originating authority.]

#### Textual Amendments

- F1** S. 105A inserted (10.11.2011) by [The Electricity and Gas \(Internal Markets\) Regulations 2011 \(S.I. 2011/2704\)](#), regs. 1(1), **36(3)**
- F2** Words in s. 105A(1)(a) substituted (31.12.2020) by [The Electricity and Gas etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/530\)](#), regs. 1(1), **69(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in s. 105A(1)(b) substituted (31.12.2020) by [The Electricity and Gas etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/530\)](#), regs. 1(1), **69(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** S. 105A(1A)(1B) inserted (31.12.2020) by [The Electricity and Gas etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/530\)](#), regs. 1(1), **69(3)** (as amended by S.I. 2020/1016, regs. 1(2), **3(26)**); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in s. 105A(2)(a) substituted (31.12.2020) by [The Electricity and Gas etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/530\)](#), regs. 1(1), **69(4)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in s. 105A(3) substituted (31.12.2020) by [The Electricity and Gas etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/530\)](#), regs. 1(1), **69(5)**; 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

Utilities Act 2000, Section 105A is up to date with all changes known to be in force on or before 12 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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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. 5(3A) inserted by [2023 c. 52 s. 197\(2\)](#)
- s. 33(1)(f) word omitted by [2018 c. 14 s. 6\(10\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). The word "or" is already omitted present (19.7.2018) by virtue of [2018 c. 21, ss. 11\(2\), 13\(2\)](#))