

Changes to legislation: Transport Act 2000, SCHEDULE 9 is up to date with all changes known to be in force on or before 27 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

SCHEDULES

SCHEDULE 9

Section 102.

AIR TRAFFIC: INFORMATION

Commencement Information

- II** Sch. 9 wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

Prohibition on disclosure

- 1 (1) This Schedule applies to information if—
- (a) it was obtained under or by virtue of this Part, and
 - (b) it relates to the affairs of an individual or to a particular business.
- (2) The information must not be disclosed during the lifetime of the individual or so long as the business is carried on, except as provided below.

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- I2** Sch. 9 para. 1 wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

Disclosure with consent

- 2 Paragraph 1(2) does not apply to a disclosure made with the consent of the individual or the person for the time being carrying on the business.

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- I3** Sch. 9 para. 2 wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

Other permitted disclosures

- 3 (1) Paragraph 1(2) does not apply to a disclosure made—
- (a) for the purpose of facilitating the carrying out by the Secretary of State, the CAA or the [^{F1}Competition and Markets Authority] of any of his or their functions under this Part;
 - (b) for the purpose of facilitating the carrying out by a person or body mentioned in sub-paragraph (2) of any of his or its functions under an enactment or instrument specified in sub-paragraph (3);

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- (c) for the purpose of enabling or assisting the Secretary of State or the Treasury to exercise any powers conferred by the ^{M1}Financial Services Act 1986 or by the enactments relating to companies, insurance companies or insolvency;
- (d) for the purpose of enabling or assisting an 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 ^{M2}Insolvency Act 1986 or Article 350 of the ^{M3}Insolvency (Northern Ireland) Order 1989 to carry out its functions;
- (f) for the purpose of facilitating the carrying out by ^{F2}... 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 ^{M4}Health and Safety at Work etc. Act 1974) of any functions under a relevant statutory provision (within the meaning of that Act);
- ^{F3}(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;
- (h) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;
- (i) for the purposes of any civil proceedings brought under or by virtue of this Part or any enactment or instrument specified in sub-paragraph (3);
- (j) in pursuance of a ^{F4}[EU] obligation;
- ^{F5}(k)
- (l) by the Secretary of State, or with his consent, to an international organisation of which the United Kingdom is a member;
- (m) in connection with negotiations conducted by officers of the Secretary of State with representatives of the government of a country or territory outside the United Kingdom;
- (n) in connection with the discharge of an obligation of the United Kingdom under international arrangements;
- (o) to a person to whom the information in question is required to be disclosed by regulations made in pursuance of section 7(2) of the ^{M5}Civil Aviation Act 1982 (special provisions as respects certain functions);
- (p) for the purposes of an investigation undertaken in pursuance of regulations made under section 75 of the ^{M6}Civil Aviation Act 1982 (investigation of accidents).

(2) The persons and bodies are—

- (a) any Minister of the Crown;
- ^{F6}(b)
- (c) the ^{F7}[Competition and Markets Authority];
- ^{F8}(d) the Office of Communications;]
- ^{F9}(e)
- (f) the Director General of Gas Supply;
- ^{F10}(g) the Water Services Regulation Authority;]

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- (h) the Director General of Electricity Supply;
 - (i) the Coal Authority;
 - (j) the CAA;
 - (k) the ^{F11}Office of Rail and Road];
 - ^{F12}(l)
 - (m) a local weights and measures authority in Great Britain.
- (3) The enactments and instruments are—
- (a) the ^{M7}Trade Descriptions Act 1968;
 - (b) the ^{M8}Fair Trading Act 1973;
 - (c) the ^{M9}Consumer Credit Act 1974;
 - (d) the ^{M10}Estate Agents Act 1979;
 - (e) the ^{M11}Competition Act 1980;
 - (f) the ^{M12}Telecommunications Act 1984;
 - (g) the ^{M13}Airports Act 1986;
 - (h) the ^{M14}Gas Act 1986;
 - (i) the ^{M15}Insolvency Act 1986;
 - (j) the ^{M16}Consumer Protection Act 1987;
 - (k) the ^{M17}Electricity Act 1989;
 - (l) the ^{M18}Broadcasting Act 1990;
 - ^{F13}(m)
 - (n) the ^{M19}Water Industry Act 1991;
 - (o) the ^{M20}Water Resources Act 1991;
 - (p) the ^{M21}Railways Act 1993;
 - (q) the ^{M22}Coal Industry Act 1994;
 - ^{F14}(qa) the Broadcasting Act 1996;]
 - (r) the ^{M23}Competition Act 1998;
 - ^{F15}(ra) the Enterprise Act 2002;]
 - ^{F16}(rb) the Communications Act 2003;]
 - ^{F17}(rb) the Water Act 2003;]
 - ^{F18}(rd) the Railways Act 2005;]
 - ^{F19}(re) the Airport Charges Regulations 2011;]
 - ^{F20}(rf) Part 1 of the Civil Aviation Act 2012;]
 - ^{F21}(rg) Parts 3 and 4 of the Enterprise and Regulatory Reform Act 2013;]
 - ^{F22}(rh) the Water Act 2014;]
 - ^{F23}(s)
 - ^{F24}(sa) 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;]
 - ^{F25}(t) 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;]

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- (u) any Air Navigation Order made under section 60 of the ^{M24}Civil Aviation Act 1982.

Textual Amendments

- F1** Words in Sch. 9 para. 3(1)(a) 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. 158\(a\)](#) (with art. 3)
- F2** Words in Sch. 9 para. 3(1)(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)
- F3** Sch. 9 para. 3(1)(fa) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), [Sch. 12 para. 76](#); S.I. 2014/251, art. 4
- F4** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 6 (with arts. 3(2)(3), 4(2), 6(4)(5))
- F5** Sch. 9 para. 3(1)(k) omitted (31.12.2020) by virtue of [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/93\)](#), reg. 1(1), [Sch. 1 para. 9\(3\)\(a\)](#) (with Sch. 4 paras. 7, 13) (as amended by S.I. 2020/1343, regs. 35-59); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Sch. 9 para. 3(2)(b) 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. 158\(b\)\(i\)](#) (with art. 3)
- F7** Words in Sch. 9 para. 3(2)(c) 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. 158\(b\)\(ii\)](#) (with art. 3)
- F8** Sch. 9 para. 3(2)(d) substituted (25.7.2003 for specified purposes, 29.12.2003 for remaining purposes) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 166\(2\)](#) (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
- F9** Sch. 9 para. 3(2)(e) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 19\(1\)](#) Note 1 (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F10** Sch. 9 para. 3(2)(g) substituted (1.4.2006) by [Water Act 2003 \(c. 37\)](#), s. 105(3), [Sch. 7 para. 35\(a\)](#); S.I. 2005/2714, art. 4(f)
- F11** Words in Sch. 9 para. 3(2)(k) substituted (E.W.S.) (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), [Sch. para. 4\(p\)\(iii\)](#)
- F12** Sch. 9 para. 3(2)(l) omitted (1.10.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 6 para. 22\(12\)](#); S.I. 2015/1732, art. 2(e)(vi) (with art. 7)
- F13** Sch. 9 para. 3(3)(m) omitted (1.10.2013) by virtue of [The Property Misdescriptions Act 1991 \(Repeal\) Order 2013 \(S.I. 2013/1575\)](#), art. 1, [Sch. para. 3](#)
- F14** Sch. 9 para. 3(3)(qa) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 166\(3\)\(a\)](#) (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F15** Sch. 9 para. 3(3)(ra) inserted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 25 para. 44\(11\)\(a\)\(ii\)](#); S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F16** Sch. 9 para. 3(3)(rb) inserted (25.7.2003 for specified purposes, 29.12.2003 for remaining purposes) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 166\(3\)\(b\)](#) (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
- F17** Sch. 9 para. 3(3)(rb) inserted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), s. 105(3), [Sch. 7 para. 35\(b\)](#); S.I. 2004/641, art. 3(y), Sch. 2 (with Sch. 3 para. 7)
- F18** Sch. 9 para. 3(3)(rd) inserted (E.W.S.) (8.6.2005) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), [Sch. 12 para. 17\(7\)](#); S.I. 2005/1444, art. 2(1), Sch. 1
- F19** Sch. 9 para. 3(3)(re) inserted (10.11.2011) by [The Airport Charges Regulations 2011 \(S.I. 2011/2491\)](#), reg. 1(1), [Sch. 3 para. 5](#)
- F20** Sch. 9 para. 3(3)(rf) inserted (6.4.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), s. 110(1), [Sch. 9 para. 12](#) (with Sch. 10 paras. 12, 17); S.I. 2013/589, art. 2(3)

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- F21** Sch. 9 para. 3(3)(rg) 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. 158(c)** (with art. 3)
- F22** Sch. 9 para. 3(3)(rh) inserted (31.3.2017) by The Water Act 2014 (Consequential Amendments etc.) Order 2017 (S.I. 2017/506), arts. 1(1), **13**
- F23** Sch. 9 para. 3(3)(s) omitted (31.12.2020) by virtue of The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), reg. 1(1), **Sch. 1 para. 9(3)(b)** (with Sch. 4 paras. 7, 13) (as amended by S.I. 2020/1343, regs. 35-59); 2020 c. 1, Sch. 5 para. 1(1)
- F24** Sch. 9 para. 3(3)(sa) inserted (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 1, **Sch. 2 para. 62(a)** (with reg. 28(2)(3))
- F25** Sch. 9 para. 3(3)(t) substituted (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 1, **Sch. 2 para. 62(b)** (with reg. 28(2)(3))

Modifications etc. (not altering text)

- C1** Sch. 9 para. 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)(h)**

Commencement Information

- I4** Sch. 9 para. 3 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

Marginal Citations

- M1** 1986 c. 60.
M2 1986 c. 45.
M3 S.I. 1989/2405 (N.I. 19).
M4 1974 c. 37.
M5 1982 c. 16.
M6 1982 c. 16.
M7 1968 c. 29.
M8 1973 c. 41.
M9 1974 c. 39.
M10 1979 c. 38.
M11 1980 c. 21.
M12 1984 c. 12.
M13 1986 c. 31.
M14 1986 c. 44.
M15 1986 c. 45.
M16 1987 c. 43.
M17 1989 c. 29.
M18 1990 c. 42.
M19 1991 c. 56.
M20 1991 c. 57.
M21 1993 c. 43.
M22 1994 c. 21.
M23 1998 c. 41.
M24 1982 c. 16.

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- I5** Sch. 9 para. 4 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

Other exceptions

- 5 (1) Paragraph 1(2) does not limit—
- (a) the information which may be included in a report of the [^{F26}Competition and Markets Authority] on a reference under section 12;
 - (b) the information or advice which may be published by the CAA under section 90.
- (2) Paragraph 1(2) does not apply to—
- (a) information which has been published in a report published under section 13;
 - (b) information which has otherwise been made available to the public by being disclosed in circumstances in which, or for a purpose for which, disclosure is not precluded by this Schedule.
- (3) Information obtained by the CAA in exercising functions which are exercisable concurrently with [^{F27}the Competition and Markets Authority] under Part I of the ^{M25}Competition Act 1998 is subject to [^{F28}Part 9 of the Enterprise Act 2002 (Information)] and not to paragraph 1(2).

Textual Amendments

- F26** Words in Sch. 9 para. 5(1)(a) 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. 158(d)** (with art. 3)
- F27** Words in Sch. 9 para. 5(3) 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. 158(e)** (with art. 3)
- F28** Words in Sch. 9 para. 5(3) substituted (20.6.2003) by [The Enterprise Act 2002 \(Part 9 Restrictions on Disclosure of Information\) \(Amendment and Specification\) Order 2003 \(S.I. 2003/1400\)](#), art. 1, **Sch. 6**

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- I6** Sch. 9 para. 5 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

Marginal Citations

- M25** 1998 c. 41.

Offence

- 6 A person who discloses information in contravention of this Schedule is guilty of an offence and 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.

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- I7** Sch. 9 para. 6 wholly in force at 1.2.2001, see s. 275(1) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

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

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

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

- s. 146(1)(defn.)(a)(b) by [2000 c. 38 s. 274 Sch. 31 Pt. 2](#)
- s. 19(2)(aa) inserted by [S.I. 2019/93, Sch. 1 para. 9\(1C\)\(b\)](#) (as inserted) by [S.I. 2019/1245 reg. 25](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 131A(2)(a) words omitted by [2017 c. 21 Sch. 2 para. 13\(a\)\(i\)](#)
- s. 131A(2)(b) omitted by [2017 c. 21 Sch. 2 para. 13\(a\)\(ii\)](#)
- s. 131A(4) omitted by [2017 c. 21 Sch. 2 para. 13\(b\)](#)
- s. 131A(5)(b) words omitted by [2017 c. 21 Sch. 2 para. 13\(c\)\(i\)](#)
- s. 131A(5)(c) words omitted by [2017 c. 21 Sch. 2 para. 13\(c\)\(ii\)](#)
- s. 132B(1)(a) omitted by [2017 c. 21 Sch. 2 para. 19](#)
- [Sch. 16 para. 34\(4\)\(a\)para. 34\(4\)\(b\)\(c\)](#) repealed by [2005 c. 14 Sch. 13 Pt. 1](#)