



# Digital Economy Act 2017

## 2017 CHAPTER 30

### PART 5

#### DIGITAL GOVERNMENT

### CHAPTER 1

#### PUBLIC SERVICE DELIVERY

#### **45 Interpretation of this Chapter etc**

(1) In this Chapter—

“the appropriate national authority” means the relevant Minister, subject to subsections (2) to (7);

“enactment” includes—

- (a) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
- (b) an enactment contained in, or in an instrument made under, a Measure or Act of the National Assembly for Wales;
- (c) an enactment contained in, or in an instrument made under, Northern Ireland legislation;
- (d) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978;

“function” means function of a public nature;

“personal information” has the meaning given by section 40(5);

“public authority” means a person who exercises functions of a public nature, subject to subsection (8);

“relevant Minister” means the Secretary of State or the Minister for the Cabinet Office;

“the Revenue and Customs” has the meaning given by section 17(3) of the Commissioners for Revenue and Customs Act 2005.

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*Status: This is the original version (as it was originally enacted).*

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- (2) The Scottish Ministers are the appropriate national authority in relation to—
- (a) regulations under section 35(3) or 36(5)(a) which add, modify or remove an entry relating to a person who is, or a description of persons each of whom is, a Scottish body,
  - (b) regulations under section 36(5)(b) which add or remove a person who is, or a description of persons each of whom is, a Scottish body, and
  - (c) regulations under section 35(7) or 36(5)(c) which have the effect only of enabling a Scottish body to disclose information for the purposes of an objective which does not relate to a reserved matter (within the meaning of the Scotland Act 1998).
- (3) In subsection (2) “Scottish body” means—
- (a) a person who is a part of the Scottish Administration,
  - (b) a Scottish public authority with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998), or
  - (c) a person providing services to a person within paragraph (a) or (b).
- (4) The Welsh Ministers are the appropriate national authority in relation to—
- (a) regulations under section 35(3), 36(5)(a) or 38(5)(a) which add, modify or remove an entry relating to a person who is, or a description of persons each of whom is, a Welsh body,
  - (b) regulations under section 36(5)(b) or 38(5)(b) which add or remove a person who is, or a description of persons each of whom is, a Welsh body, and
  - (c) regulations under section 35(7), 36(5)(c) or 38(5)(c) which have the effect only of enabling a Welsh body to disclose information for the purposes of an objective which could be specified by provision falling within the legislative competence of the National Assembly for Wales.
- (5) In subsection (4) “Welsh body” means—
- (a) a devolved Welsh authority as defined by section 157A of the Government of Wales Act 2006, or
  - (b) a person providing services to a devolved Welsh authority as defined by that section.
- (6) The Department of Finance in Northern Ireland is the appropriate national authority in relation to—
- (a) regulations under section 35(3) which add, modify or remove an entry relating to a person who is, or a description of persons each of whom is, a Northern Ireland body, and
  - (b) regulations under section 35(7) which have the effect only of enabling a Northern Ireland body to disclose information for the purposes of an objective which relates to a transferred matter (within the meaning of the Northern Ireland Act 1998).
- (7) In subsection (6) “Northern Ireland body” means—
- (a) a Minister within the meaning of the Northern Ireland Act 1998,
  - (b) a Northern Ireland department,
  - (c) a Northern Ireland public authority within the meaning of the Statistics and Registration Service Act 2007, or
  - (d) a person providing services to a person within paragraph (a), (b) or (c).

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*Status: This is the original version (as it was originally enacted).*

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- (8) A person is not a public authority for the purposes of this Chapter if, apart from this subsection, the person would be a public authority for those purposes merely because the person exercises functions on behalf of another public authority.
- (9) References in this Chapter to people living in fuel poverty are to be construed in accordance with section 36(10).
- (10) References in this Chapter to people living in water poverty are to be construed in accordance with section 38(10).
- (11) The power of the Secretary of State in section 69(2) of the Wales Act 2017 to amend an enactment contained in primary legislation in consequence of any provision of that Act includes power to amend this Chapter, and section 118 so far as relating to this Chapter, in consequence of section 48 (water and sewerage) of that Act.