



# Control of Pollution Act 1974

## 1974 CHAPTER 40

### PART V

#### SUPPLEMENTARY PROVISIONS

##### *Miscellaneous*

#### **94 Prohibition of disclosure of information.**

- (1) If a person discloses information relating to any trade secret used in carrying on a particular undertaking and the information has been given to him or obtained by him by virtue of this Act he shall, subject to the following subsection, be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F1</sup>level 5 on the standard scale].
- (2) A person shall not be guilty of an offence under the preceding subsection by virtue of the disclosure of any information if—
  - (a) the disclosure is made—
    - (i) in the performance of his duty, or
    - (ii) in pursuance of section 79(1)(b) of this Act, or
    - (iii) with the consent in writing of a person having a right to disclose the information; or
  - (b) the information is of a kind prescribed for the purposes of this paragraph and, if regulations made for those purposes provide that information of that kind may only be disclosed in pursuance of the regulations to prescribed persons, the disclosure is to a prescribed person.

<sup>F2</sup>(3) .....

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*Changes to legislation: There are currently no known outstanding effects for the Control of Pollution Act 1974, Section 94. (See end of Document for details)*

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### Textual Amendments

- F1** Words “level 5 on the standard scale” substituted (11.4.1983) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48\)](#), **ss. 38**, 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **ss. 289F**, 289G (as inserted by [Criminal Justice Act 1982 \(c. 48\)](#), **s. 54**)
- F2** S. 94(3) repealed (S.) (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), art. 1, **Sch. Pt. I** (with Sch. Pt. III)

### Modifications etc. (not altering text)

- C1** Ss. 91-94 extended (with modifications) (14.10.1991) by [Control of Pollution \(Amendment\) Act 1989 \(c. 14, SIF 46:4\)](#), **s. 7(1)**; S.I. 1991/1618, **art. 3**
- C2** S. 94 excluded (14.10.1991) by [Control of Pollution \(Amendment\) Act 1989 \(c. 14, SIF 46:4\)](#), **s. 7(2)**; S.I. 1991/1618, **art. 3**
- C3** S. 94: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8(1)(3), **Sch. 2**  
S. 94 modified (7.8.1991) by S.I. 1991/1773, art. 8(2)(3), **Sch. 2**  
S. 94: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8(1)(3), **Sch. 2**  
S. 94 modified (10.1.1992) by S.I. 1991/2913, art. 8(2)(3), **Sch. 2**
- C4** S. 94 modified (E.) (6.4.2010) by [The Bristol Port Health Authority Order 2010 \(S.I. 2010/1214\)](#), arts. 1, 4, **Sch.**
- C5** S. 94 modified (6.4.2010) by [The Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\)](#), arts. 1(1), 4, **Sch.**
- C6** S. 94 modified (6.4.2010) by [The Cornwall Port Health Authority Order 2010 \(S.I. 2010/1215\)](#), arts. 1(1), 4, **Sch.** (with art. 2)
- C7** S. 94 modified (6.4.2010) by [The Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\)](#), arts. 1(1), 4, **Sch.**
- C8** S. 94 modified (6.4.2010) by [The Southampton Port Health Authority Order 2010 \(S.I. 2010/1218\)](#), arts. 1(1), 4, **Sch.**

**Changes to legislation:**

There are currently no known outstanding effects for the Control of Pollution Act 1974, Section 94.