

*Status: Point in time view as at 01/04/2003.*

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## SCHEDULES

### SCHEDULE 10

#### COMPETITION TEST FOR EXERCISE OF BUS FUNCTIONS

##### *Information*

- 13 (1) No information which—
- (a) has been obtained by the [F1OFT] in connection with [F2its] functions under this Schedule, and
  - (b) relates to the affairs of any individual or to any particular business,
- is to be disclosed during the lifetime of that individual or while that business continues to be carried on, unless the condition mentioned in sub-paragraph (2) is satisfied.
- (2) The condition is that consent to the disclosure has been obtained from—
- (a) the person from whom the information was obtained, and
  - (b) if different, the individual to whose affairs the information relates or the person for the time being carrying on the business to which the information relates.
- (3) Sub-paragraph (1) does not apply to a disclosure of information—
- (a) made for the purpose of facilitating the performance of any function of the [F1OFT], a traffic commissioner or the Rail Regulator,
  - (b) made for the purpose of facilitating the performance of any function of the European Commission in respect of Community law about competition,
  - (c) made for the purpose of criminal proceedings in any part of the United Kingdom or in connection with the investigation of a criminal offence triable in any part of the United Kingdom, or
  - (d) made in compliance with the order of a court or tribunal.
- (4) If information is disclosed to the public in circumstances in which the disclosure does not contravene sub-paragraph (1), that sub-paragraph does not prevent its further disclosure by any person.
- (5) A person who contravenes this paragraph is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### **Textual Amendments**

- F1** Word in Sch. 10 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 25 para. 44\(12\)\(a\)](#); [S.I. 2003/766, art. 2, Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846, reg. 3\(2\), Sch.](#))
- F2** Word in Sch. 10 paras. 13-15 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 25 para. 44\(12\)\(k\)](#); [S.I. 2003/766, art. 2, Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846, reg. 3\(2\), Sch.](#))

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

- C1** Sch. 10 para. 13(3): Disclosure powers extended (14.12.2001) by [2001 c. 24, ss. 17, 127\(2\)\(a\)](#), [Sch. 4 Pt. I para. 53\(2\)](#)

#### Commencement Information

- II** Sch. 10 para. 13 wholly in force at 1.8.2001; Sch. 10 para. 13 not in force at Royal Assent see s. 275(1); Sch. 10 para. 13 in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); Sch. 10 para. 13 in force (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2](#), [Sch. 1 para. 8](#)

- 14 (1) If information is provided by a person to the [F<sup>1</sup>OFT] in connection with [F<sup>2</sup>its] functions under this Schedule, the person is guilty of an offence if—
- (a) the information is false or misleading in a material particular, and
  - (b) the person knows that it is or is reckless as to whether it is.
- (2) If a person—
- (a) provides any information to another person, knowing the information to be false or misleading in a material particular, or
  - (b) recklessly provides to another person any information which is false or misleading in a material particular,
- knowing that the information is to be used for the purpose of providing information to the [F<sup>1</sup>OFT] in connection with [F<sup>2</sup>its] functions under this Schedule, the person is guilty of an offence.
- (3) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### Textual Amendments

- F1** Word in Sch. 10 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 25 para. 44\(12\)\(a\)](#); [S.I. 2003/766, art. 2, Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846, reg. 3\(2\)](#), Sch.)
- F2** Word in Sch. 10 paras. 13-15 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 25 para. 44\(12\)\(k\)](#); [S.I. 2003/766, art. 2, Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846, reg. 3\(2\)](#), Sch.)

#### Commencement Information

- I2** Sch. 10 para. 14 wholly in force at 1.8.2001; Sch. 10 para. 14 not in force at Royal Assent see s. 275(1); Sch. 10 para. 14 in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); Sch. 10 para. 14 in force (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2](#), [Sch. 1 para. 8](#)

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