

Status: Point in time view as at 01/04/2003.

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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.

Commencement Information

- 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.

Commencement Information

- 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 Competition Commission 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 the Health and Safety Commission or 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);
 - (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 Community obligation;
 - (k) for the purpose of facilitating the performance of any function of the European Commission in respect of Community law about competition;
 - (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;
 - [^{F1}(b) the Office of Fair Trading;]
 - (c) the Competition Commission;
 - (d) the Director General of Telecommunications;
 - (e) the Independent Television Commission;
 - (f) the Director General of Gas Supply;
 - (g) the Director General of Water Services;
 - (h) the Director General of Electricity Supply;

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- (i) the Coal Authority;
 - (j) the CAA;
 - (k) the Rail Regulator;
 - (l) the Insolvency Practitioners Tribunal;
 - (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;
 - (m) the ^{M19}Property Misdescriptions Act 1991;
 - (n) the ^{M20}Water Industry Act 1991;
 - (o) the ^{M21}Water Resources Act 1991;
 - (p) the ^{M22}Railways Act 1993;
 - (q) the ^{M23}Coal Industry Act 1994;
 - (r) the ^{M24}Competition Act 1998;
 - [^{F2}(ra) the Enterprise Act 2002;]
 - (s) any subordinate legislation made for the purpose of securing compliance with Articles 84 and 85 of the Treaty establishing the European Community;
 - (t) any subordinate legislation made for the purpose of securing compliance with the Directive of the Council of the European Communities dated 10th September 1984 (No.84/450/EEC) on the approximation of the laws, regulations and administrative provisions of the member States concerning misleading advertising;
 - (u) any Air Navigation Order made under section 60 of the ^{M25}Civil Aviation Act 1982.

Textual Amendments

- F1** Sch. 9 para. 3(2)(b) substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 25 para. 44\(11\)\(a\)\(i\)](#); 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** 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.)

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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. 29.
M20 1991 c. 56.
M21 1991 c. 57.
M22 1993 c. 43.
M23 1994 c. 21.
M24 1998 c. 41.
M25 1982 c. 16.

- 4 The Secretary of State may by order amend paragraph 3.

Commencement Information

- 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 Competition Commission 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.

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- (3) Information obtained by the CAA in exercising functions which are exercisable concurrently with ^{F3}the Office of Fair Trading] under Part I of the ^{M26}Competition Act 1998 is subject to sections 55 and 56 of that Act (disclosure) and not to paragraph 1(2).

Textual Amendments

- F3** Words in Sch. 9 para. 5(3) substituted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 25 para. 44(1)(b); 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

- 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

- M26** 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.

Commencement Information

- 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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