



# Gas Act 1986

## 1986 CHAPTER 44

### PART I

#### GAS SUPPLY

##### *Miscellaneous*

#### 42 General restrictions on disclosure of information. **E+W**

- (1) Subject to the following provisions of this section, no information with respect to any particular business which—
- (a) has been obtained under or by virtue of the provisions of this Part; and
  - (b) relates to the affairs of any individual or to any particular business,
- shall, during the lifetime of that individual or so long as that business continues to be carried on, be disclosed without the consent of that individual or the person for the time being carrying on that business.
- (2) Subsection (1) above does not apply to any disclosure of information which is made—
- (a) for the purpose of facilitating the performance of any functions assigned to the Secretary of State, the Director or the Monopolies Commission by or under this Part;
  - (b) for the purpose of facilitating the performance of any functions of any Minister of the Crown, the Director General of Fair Trading [<sup>F1</sup>the Director General of Water Services][<sup>F2</sup>the Director General of Electricity Supply] or a local weights and measures authority in Great Britain under any of the enactments [<sup>F3</sup>or subordinate legislation] specified in subsection (3) below;
  - (c) for the purpose of facilitating the performance of any functions of the Health and Safety Executive under any enactment;
  - (d) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;

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- (e) for the purposes of any civil proceedings brought under or by virtue of this Part or any of the enactments [<sup>F4</sup>or subordinate legislation] specified in subsection (3) below; or
- (f) in pursuance of a Community obligation.
- (3) The enactments [<sup>F5</sup>and subordinate legislation] referred to in subsection (2) above are—
- (a) ..... <sup>F6</sup>
- (b) the <sup>M1</sup>Trade Descriptions Act 1968;
- (c) the <sup>M2</sup>Fair Trading Act 1973;
- (d) the <sup>M3</sup>Consumer Credit Act 1974;
- (e) the <sup>M4</sup>Restrictive Trade Practices Act 1976;
- (f) the <sup>M5</sup>Resale Prices Act 1976;
- (g) ..... <sup>F6</sup>
- (h) the <sup>M6</sup>Estate Agents Act 1979; <sup>F7</sup>
- (i) the <sup>M7</sup>Competition Act 1980.
- [<sup>F8</sup>(j) the <sup>M8</sup>Consumer Protection Act 1987.]
- [<sup>F9</sup>(k) the <sup>M9</sup>Control of Misleading Advertisements Regulations 1988]
- [<sup>F10</sup>(l) the <sup>M10</sup>Water Act 1989 [<sup>F11</sup>the <sup>M11</sup>Water Industry Act 1991 or any of the other consolidation Acts (within the meaning of section 206 of that Act of 1991)].]
- [<sup>F12</sup>(m) the <sup>M12</sup>Electricity Act 1989.]
- (4) Nothing in subsection (1) above shall be construed—
- (a) as limiting the matters which may be published under section 35 above or may be included in, or made public as part of, a report of the Director, the Council or the Monopolies Commission under any provision of this Part other than section 33(3) above; or
- (b) as applying to any information which has been so published or has been made public as part of such a report.
- (5) Any person who discloses any information in contravention of this section shall be 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.
- [<sup>F13</sup>(6) In relation to the Consumer Protection Act 1987 the reference in subsection (2)(b) above to a weights and measures authority shall include a reference to any person on whom functions under that Act are conferred by regulations under section 27(2) of that Act.]

#### Textual Amendments

- F1** Words inserted (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(1), [Sch. 25 para. 77\(a\)](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F2** Words inserted by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(1)(3), Sch. 16 para. 34(a), [Sch. 17 para. 35\(1\)](#)
- F3** Words inserted by [S.I. 1988/915](#), [reg. 7\(6\)\(h\)\(i\)](#)
- F4** Words inserted by [S.I. 1988/915](#), [reg. 7\(6\)\(h\)\(i\)](#)
- F5** Words inserted by [S.I. 1988/915](#), [reg. 7\(6\)\(h\)\(ii\)](#)

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- F6** S. 42(3)(a)(g) repealed by Consumer Protection Act 1987 (c. 43, SIF 109:1), ss. 41(2), 47(1)(2), 48(3), **Sch. 5**
- F7** Word repealed by Consumer Protection Act 1987 (c. 43, SIF 109:1), ss. 41(2), 47(1)(2), 48(3), **Sch. 5**
- F8** S. 42(3)(j) inserted by Consumer Protection Act 1987 (c. 43, SIF 109:1), ss. 41(2), 47(1)(2), 48(1), **Sch. 4 para. 11(a)**
- F9** S. 42(3)(k) inserted by S.I. 1988/915, **reg. 7(6)(h)(ii)**
- F10** S. 42(3)(l) inserted (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 77(b)**, (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F11** Words in s. 42(3)(l) inserted (E.W.) (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(1), 4(2), **Sch. 1 para.45**
- F12** S. 42(3)(m) inserted by Electricity Act 1989 (c. 29, SIF 44:1), **s. 112(1)**, (3). Sch. 16 para. 34(b), Sch. 17 para. 35(1)
- F13** S. 42(6) inserted by Consumer Protection Act 1987 (c. 43, SIF 109:1), ss. 41(2), 47(1)(2), 48(1), **Sch. 4 para. 11(b)**

#### Marginal Citations

- M1** 1968 c. 29(124:1)
- M2** 1973 c. 41(124:1).
- M3** 1974 c. 39(60).
- M4** 1976 c. 34(124:1).
- M5** 1976 c. 53(124:1).
- M6** 1979 c. 38(124:4).
- M7** 1980 c. 21(124:1).
- M8** 1987 c. 43(109:1)).
- M9** S.I. 1988/915.
- M10** 1989 c. 15(130).
- M11** 1991 c. 56 (130)
- M12** 1989 c. 29(44:1).

## 42 General restrictions on disclosure of information. **S**

- (1) Subject to the following provisions of this section, no information with respect to any particular business which—
- has been obtained under or by virtue of the provisions of this Part; and
  - relates to the affairs of any individual or to any particular business,
- shall, during the lifetime of that individual or so long as that business continues to be carried on, be disclosed without the consent of that individual or the person for the time being carrying on that business.
- (2) Subsection (1) above does not apply to any disclosure of information which is made—
- for the purpose of facilitating the performance of any functions assigned to the Secretary of State, the Director or the Monopolies Commission by or under this Part;
  - for the purpose of facilitating the performance of any functions of any Minister of the Crown, the Director General of Fair Trading [<sup>F14</sup>the Director General of Electricity Supply] or a local weights and measures authority in Great Britain under any of the enactments [<sup>F15</sup>or subordinate legislation] specified in subsection (3) below;
  - for the purpose of facilitating the performance of any functions of the Health and Safety Executive under any enactment;

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- (d) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;
  - (e) for the purposes of any civil proceedings brought under or by virtue of this Part or any of the enactments [<sup>F16</sup>or subordinate legislation] specified in subsection (3) below; or
  - (f) in pursuance of a Community obligation.
- (3) The enactments [<sup>F17</sup>and subordinate legislation] referred to in subsection (2) above are—
- (a) ..... <sup>F18</sup>
  - (b) the <sup>M13</sup>Trade Descriptions Act 1968;
  - (c) the <sup>M14</sup>Fair Trading Act 1973;
  - (d) the <sup>M15</sup>Consumer Credit Act 1974;
  - (e) the <sup>M16</sup>Restrictive Trade Practices Act 1976;
  - (f) the <sup>M17</sup>Resale Prices Act 1976;
  - (g) ..... <sup>F18</sup>
  - (h) the <sup>M18</sup>Estate Agents Act 1979; <sup>F19</sup>
  - (i) the <sup>M19</sup>Competition Act 1980.
  - [<sup>F20</sup>(j) the <sup>M20</sup>Consumer Protection Act 1987.]
  - [<sup>F21</sup>(k) the <sup>M21</sup>Control of Misleading Advertisements Regulations 1988]
  - [<sup>F22</sup>(m) the <sup>M22</sup>Electricity Act 1989.]
- (4) Nothing in subsection (1) above shall be construed—
- (a) as limiting the matters which may be published under section 35 above or may be included in, or made public as part of, a report of the Director, the Council or the Monopolies Commission under any provision of this Part other than section 33(3) above; or
  - (b) as applying to any information which has been so published or has been made public as part of such a report.
- (5) Any person who discloses any information in contravention of this section shall be 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.
- [<sup>F23</sup>(6) In relation to the Consumer Protection Act 1987 the reference in subsection (2)(b) above to a weights and measures authority shall include a reference to any person on whom functions under that Act are conferred by regulations under section 27(2) of that Act.]

#### Extent Information

**E1** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

#### Textual Amendments

**F14** Words inserted by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(1)(3), Sch. 16 para. 34(a), **Sch. 17 para. 35(1)**

**F15** Words inserted by [S.I. 1988/915](#), **reg. 7(6)(h)(i)**

**F16** Words inserted by [S.I. 1988/915](#), **reg. 7(6)(h)(i)**

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- F17** Words inserted by S.I. 1988/915, **reg. 7(6)(h)(ii)**
- F18** S. 42(3)(a)(g) repealed by Consumer Protection Act 1987 (c. 43, SIF 109:1), ss. 41(2), 47(1)(2), 48(3), **Sch. 5**
- F19** Word repealed by Consumer Protection Act 1987 (c. 43, SIF 109:1), ss. 41(2), 47(1)(2), 48(3), **Sch. 5**
- F20** S. 42(3)(j) inserted by Consumer Protection Act 1987 (c. 43, SIF 109:1), ss. 41(2), 47(1)(2), 48(1), **Sch. 4 para. 11(a)**
- F21** S. 42(3)(k) inserted by S.I. 1988/915, **reg. 7(6)(h)(ii)**
- F22** S. 42(3)(m) inserted by Electricity Act 1989 (c. 29, SIF 44:1), **s. 112(1)**, (3). Sch. 16 para. 34(b), Sch. 17 para. 35(1)
- F23** S. 42(6) inserted by Consumer Protection Act 1987 (c. 43, SIF 109:1), ss. 41(2), 47(1)(2), 48(1), **Sch. 4 para. 11(b)**

#### Marginal Citations

- M13** 1968 c. 29(124:1)
- M14** 1973 c. 41(124:1).
- M15** 1974 c. 39(60).
- M16** 1976 c. 34(124:1).
- M17** 1976 c. 53(124:1).
- M18** 1979 c. 38(124:4).
- M19** 1980 c. 21(124:1).
- M20** 1987 c. 43(109:1)).
- M21** S.I. 1988/915.
- M22** 1989 c. 29(44:1).

#### 43 Making of false statements etc.

- (1) If any person, in giving any information or making any application for the purposes of any provision of this Part, or of any regulation made under any provision of this Part, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence and liable—
- on summary conviction, to a fine not exceeding the statutory maximum;
  - on conviction on indictment, to a fine.
- (2) Proceedings for an offence under subsection (1) above shall not in England and Wales be instituted except by or with the consent of the Secretary of State or the Director of Public Prosecutions.

#### 44 Compensation to chairmen and officers of Consumers' Councils.

- (1) The Secretary of State may pay—
- to the person who immediately before the appointed day is the chairman of the National Gas Consumers' Council; and
  - to the persons who immediately before that day are the chairmen of the Regional Gas Consumers' Councils,
- such sums by way of compensation for loss of office or loss or diminution of pension rights as the Secretary of State may with the approval of the Treasury determine.
- (2) The Secretary of State may also pay to persons who immediately before the appointed day were officers of any of the Councils mentioned in subsection (1) above such sums by way of compensation for loss of employment, or loss or diminution of remuneration

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or pension rights, as the Secretary of State may with the approval of the Treasury determine.

- (3) Any sums required by the Secretary of State for the purposes of this section shall be paid out of money provided by Parliament.

**Status:**

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**Changes to legislation:**

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