



Environment and Safety Information Act 1988

1988 CHAPTER 30

4 Protection of trade secrets etc.

- (1) This section applies where a person on whom a notice has been served (“the person affected”) gives written notification to the authority, within the period of 14 days following the date of service, that the making of an entry in the register in relation to the notice would disclose information about a trade secret or secret manufacturing process (“the secret”).
- (2) Where such a notification is given, the authority—
 - (a) shall draft such an entry as, in their opinion, would make particulars of the notice public without disclosing information about the secret; and
 - (b) shall serve on the person affected a copy of the draft and a notice of their intention to make an entry in the register in the terms of the draft; but
 - (c) shall not, until one of the conditions specified in subsection (4) below is satisfied, make any entry in relation to the notice except one which does no more than—
 - (i) specify the name and address of the person affected;
 - (ii) identify the place (if any) where it is alleged that any matters giving rise to the service of the notice have occurred, are occurring or are likely to occur; and
 - (iii) specify those provisions of any enactment or instrument which have given rise to the service of the notice, including, in particular, any provisions which it is alleged have been, are being or are likely to be contravened; and
 - (d) shall cause to be deleted from the register any entry relating to the notice which does not satisfy the requirements of paragraph (c) above.
- (3) The person affected may, within 14 days of the service on him of the copy of the draft entry, by written notice under this subsection appeal to the appropriate Minister against the authority’s proposal to make an entry in the terms of the draft; and on any such appeal—

Changes to legislation: There are currently no known outstanding effects for the Environment and Safety Information Act 1988, Section 4. (See end of Document for details)

- (a) if the Minister determines that an entry in the terms of the draft would afford reasonable protection to the secret, he shall direct the entry to be made in those terms; but
 - (b) if he determines that such an entry would not offer such protection, he shall direct the entry to be made in such terms as he may specify.
- (4) The conditions referred to in subsection (2)(c) above are the following, that is to say—
- (a) that the person affected has given his written consent to an entry being made in the terms of the draft or in such other terms as he may have agreed with the authority;
 - (b) where no such consent has been given, that no appeal to the appropriate Minister against the making of an entry in the terms of the draft has been brought within the time limited for doing so; or
 - (c) that on such an appeal the Minister has directed that the entry shall be made.
- (5) Where any entry is made in accordance with the provisions of subsections (1) to (4) above, it shall be accompanied by a statement indicating (if such is the case) that information has been withheld in accordance with the provisions of this section.
- (6) In this section “the appropriate Minister” means—
- (a) in relation to notices served under the ^{M1}Food and Environment Protection Act 1985 by persons employed in his Ministry, the Minister of Agriculture, Fisheries and Food;
 - [^{F1}(aa) in relation to notices served in Wales under that Act or the Regulatory Reform (Fire Safety) Order 2005, the Welsh Ministers;]
 - (b) in relation to notices not falling within paragraph (a) [^{F2}or (aa)] above, the Secretary of State.

Textual Amendments

- F1** S. 4(6)(aa) inserted (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **22(3)(a)**
- F2** Words in s. 4(6)(b) inserted (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **22(3)(b)**
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Marginal Citations

- M1** 1985 c. 48.

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