



Water Act 1989

1989 CHAPTER 15

PART VI

MISCELLANEOUS AND SUPPLEMENTAL

Information etc.

174 General restrictions on disclosure of information.

- (1) Subject to the following provisions of this section, no information with respect to any particular business which—
- (a) has been obtained by virtue of any of the provisions of this Act; 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 carrying out by the Secretary of State, the Minister, [^{F1}the Environment Agency, the Scottish Environment Protection Agency], [^{F2}the Natural Resources Body for Wales], [^{F3}the Water Services Regulation Authority, the Consumer Council for Water], the [^{F4}Competition and Markets Authority] or a local authority of any of his, its or, as the case may be, their functions by virtue of this Act [^{F5}or any of the water consolidation Acts][^{F6}, the Environment Act 1995 [^{F7}, the Water Act 2003 or the Natural Resources Body for Wales (Establishment) Order 2012 (S.I.2012/1903)]] ;
 - (b) for the purpose of facilitating the performance by a water undertaker [^{F8}, sewerage undertaker or [^{F9}person] holding a licence under Chapter 1A of Part 2 of the Water Industry Act 1991] of any of the duties imposed [^{F10}on the undertaker or, as the case may be, the person] by or under this Act [^{F5}or any of the water consolidation Acts];

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[^{F11}(c) in pursuance of any duty imposed by section 197(1)(a) or (2) or [^{F12}203(1), (1A), (2) or (2A)] of the Water Resources Act 1991 [^{F13}or section 27H of the Water Industry Act 1991] ;]

(d) for the purpose of facilitating the carrying out by—

(i) any Minister of the Crown;

^{F14}(ii)

(iii) the [^{F15}Competition and Markets Authority] ;

(iv) [^{F16}the Office of Communications];

(v) the Civil Aviation Authority;

(vi) the Director General of Gas Supply;

(vii) the Director General of Electricity Supply; or

(viii) a local weights and measures authority in England and Wales,

of any of his, its or, as the case may be, their functions under any of the enactments or instruments specified in subsection (3) below;

[^{F17}(e) for the purpose of enabling or assisting the Secretary of State, the Treasury [^{F18}, the Financial Conduct Authority, the Prudential Regulation Authority or the Bank of England] to exercise any powers conferred by or under the Financial Services and Markets Act 2000 [^{F19}, by or under the Consumer Credit Act 1974] or by the enactments relating to companies or insolvency;

(ea) for the purpose of enabling or assisting any inspector appointed under enactments relating to companies to carry out his functions;]

(f) for the purpose of enabling 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 ^{M1}Insolvency Act 1986 to carry out its functions as such;

(g) for the purpose of facilitating the carrying out by ^{F20}... 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 ^{M2}Health and Safety at Work etc. Act 1974, of any functions under a relevant statutory provision, within the meaning of that Act;

[^{F21}(ga) for the purpose of facilitating the carrying out by the Office for Nuclear Regulation of any of its functions under any enactment;]

(h) for the purpose of facilitating the carrying out by the Comptroller and Auditor General of any of his functions under any enactment;

(i) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;

(j) for the purposes of any civil proceedings brought under or by virtue of this Act [^{F22}, any of the water consolidation Acts][^{F23}, the Environment Act 1995][^{F24}, the Water Act 2003] or any of the enactments or instruments specified in subsection (3) below or of any arbitration under this Act [^{F25}or any of those Acts]; or

(k) in pursuance of [^{F26}an EU] obligation.

(3) The enactments and instruments referred to in subsection (2) above are—

(a) the ^{M3}Trade Descriptions Act 1968;

(b) the ^{M4}Fair Trading Act 1973;

(c) the ^{M5}Consumer Credit Act 1974;

^{F27}(d)

^{F27}(e)

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- (f) the ^{M6}Estate Agents Act 1979;
 - (g) the ^{M7}Competition Act 1980;
 - (h) the ^{M8}Telecommunications Act 1984;
 - (i) the ^{M9}Airports Act 1986;
 - (j) the ^{M10}Gas Act 1986;
 - (k) the ^{M11}Consumer Protection Act 1987;
 - (l) the Electricity Act 1989;
 - ^{F28}(ll) the Competition Act 1998]
 - ^{F29}(lm) Part I of the Transport Act 2000.]
 - ^{F30}(ln) the Enterprise Act 2002;]
 - ^{F31}(lo) the Communications Act 2003;]
 - ^{F32}(lp) any subordinate legislation made for the purpose of securing compliance with Directive [2005/29/EC](#) of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market;]
 - ^{F33}(m) any subordinate legislation made for the purpose of securing compliance with Directive [2006/114/](#) ^{F34}[European Union] of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising.]
 - ^{F35}(n) Part 1 of the Civil Aviation Act 2012]
 - ^{F36}(o) Parts 3 and 4 of the Enterprise and Regulatory Reform Act 2013.]
- (4) Nothing in subsection (1) above shall be construed—
- (a) as limiting the matters which may be published under ^{F37}section 201 of the Water Industry Act 1991] or may be included in, or made public as part of, a report of ^{F38}the Environment Agency, the Scottish Environment Protection Agency], ^{F39}the Natural Resources Body for Wales]^{F40}the Water Services Regulation Authority] , ^{F41}the Consumer Council for Water (or any regional committee of that Council established under section 27A of the Water Industry Act 1991)] or the ^{F42}Competition and Markets Authority] under any provision of ^{F37}the water consolidation Acts]^{F43}or the Environment Act 1995]; or
 - (b) as applying to any information which has been so published or has been made public as part of such a report or to any information exclusively of a statistical nature.
- (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.
- (6) Subject to subsection (7) below, nothing in this section shall preclude the disclosure of information—
- (a) if the disclosure is of information relating to a matter connected with the carrying out of the functions of a water undertaker or sewerage undertaker ^{F44}, or with the carrying on by a ^{F45}person] holding a licence under Chapter 1A of Part 2 of the Water Industry Act 1991 of activities under ^{F46}the person's licence] ,] and is made by one Minister of the Crown or Government department to another; or

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- (b) if the disclosure is for the purpose of enabling or assisting any public or other authority for the time being designated for the purposes of this section by an order made by the Secretary of State to discharge any functions which are specified in the order.
- (7) The power to make an order under subsection (6) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and where such an order designates an authority for the purposes of paragraph (b) of that subsection, the order may—
- (a) impose conditions subject to which the disclosure of information is permitted by virtue of that paragraph; and
- (b) otherwise restrict the circumstances in which disclosure is so permitted.
- [^{F47}(8) in this section “the water consolidation Acts” means the Water Resources Act 1991, the Water Industry Act 1991, ^{F48}... the Land Drainage Act 1991 and the Water Consolidation (Consequential Provisions) Act 1991.]

Textual Amendments

- F1** Words in s. 174(2)(a) substituted (1.4.1996) by S.I. 1996/593, reg. 3, **Sch. 2 para. 3(2)(a)**
- F2** Words in s. 174(2)(a) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 192(2)(a)** (with Sch. 7)
- F3** Words in s. 174(2)(a) substituted (1.10.2005 for specified purposes, 1.4.2006 in so far as not already in force) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 26(2)(a)(i)**; S.I. 2005/2714, art. 2(1)(aa)(iv), 4(f)
- F4** Words in s. 174(2)(a) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 60(2)(a)** (with art. 3)
- F5** Words inserted by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), s. 2, **Sch. 1 para. 50(2)(a)**
- F6** Words in s. 174(2)(a) substituted (1.4.2004) by Water Act 2003 (c. 37), s. 105(3), Sch. 7 para. 26(2)(a)(i)(b); S.I. 2004/641, art. 3(y), Sch. 2 (with Sch. 3 para. 7)
- F7** Words in s. 174(2)(a) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 192(2)(b)** (with Sch. 7)
- F8** Words in s. 174(2)(b) substituted (1.12.2005) by Water Act 2003 (c. 37), s. 105(3), **Sch. 8 para. 1(2)**; S.I. 2005/2714, art. 3(c)
- F9** Word in s. 174(2)(b) substituted (1.4.2016) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 1(2)(a)**; S.I. 2016/465, art. 2(m), Sch. 1 para. 1(a) (with Sch. 2)
- F10** Words in s. 174(2)(b) substituted (1.4.2016) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 1(2)(b)**; S.I. 2016/465, art. 2(m), Sch. 1 para. 1(a) (with Sch. 2)
- F11** S. 174(2)(c) substituted by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), s. 2, **Sch. 1 para. 50(2)(b)**
- F12** Words in s. 174(2)(c) substituted (1.12.2005) by Water Act 2003 (c. 37), s. 105(3), **Sch. 8 para. 1(3)**; S.I. 2005/2714, art. 3(c)
- F13** Words in s. 174(2)(c) substituted (1.10.2005) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 26(2)(a)(ii)**; S.I. 2005/2714, art. 2(1)(bb)(iv)
- F14** S. 174(2)(d)(ii) omitted (1.4.2014) by virtue of The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 60(2)(b)** (with art. 3)
- F15** Words in s. 174(2)(d)(iii) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 60(2)(a)** (with art. 3)

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- F16** S. 174(2)(d)(iv) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 17 para. 96(2)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), **Sch. 1** (with art. 3) (as amended by S.I. 2003/3142, **art. 1(3)**); S.I. 2003/3142, **art. 3(2)** (with art. 11)
- F17** S. 174(2)(e)(ea) substituted (1.12.2001) for s. 174(2)(e) by S.I. 2001/3649, **arts. 1, 316**
- F18** Words in s. 174(2)(e) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 18 para. 61** (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F19** Words in s. 174(2)(e) inserted (26.7.2013 for specified purposes, 1.4.2014 in force in so far as not already in force) by The Financial Services Act 2012 (Consumer Credit) Order 2013 (S.I. 2013/1882), arts. 1(1), **10(1)**
- F20** Words in s. 174(2)(g) omitted (1.4.2008) by virtue of The Legislative Reform (Health and Safety Executive) Order 2008 (S.I. 2008/960), art. 1, **Sch. 3** (with art. 21, Sch. 2)
- F21** S. 174(2)(ga) inserted (1.4.2014) by Energy Act 2013 (c. 32), s. 156(1), **Sch. 12 para. 59**; S.I. 2014/251, art. 4
- F22** Words inserted by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), s. 2, **Sch. 1 para. 50(2)(c)**
- F23** Words in s. 174(2)(j) inserted (1.4.1996) by S.I. 1996/593, reg. 3, **Sch. 2 para. 3(3)**
- F24** Words in s. 174(2)(j) inserted (1.4.2004) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 26(2)(a)(iii)**; S.I. 2004/641, art. 3(y), Sch. 2 (with Sch. 3 para. 7)
- F25** Words inserted by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), s. 2, **Sch. 1 para. 50(2)(c)**
- F26** Words in Act substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, 3, 6 (with art. 3(2)(3)4(2)6(4)(5))
- F27** S. 174(3)(d)(e) repealed (1.3.2000) by 1998 c. 41, s. 66(5), Sch. 10 Pt. IV para. 11(a), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**
- F28** S. 174(3)(ll) inserted (11.1.1999) by 1998 c. 41, s. 66(5), **Sch. 10 Pt. IV para. 11(b)** (with s. 73); S.I. 1998/3166, art. 2, **Sch.**
- F29** S. 174(3)(lm) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. IV para. 20**
- F30** S. 174(3)(ln) inserted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 19(2)(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.)
- F31** S. 174(3)(lo) inserted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 17 para. 96(3)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), **Sch. 1** (with art. 3) (as amended by S.I. 2003/3142, **art. 1(3)**); S.I. 2003/3142, **art. 3(2)** (with art. 11)
- F32** S. 174(3)(lp) inserted (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 1, **Sch. 2 para. 47(a)** (with reg. 28(2)(3))
- F33** S. 174(3)(m) substituted (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 1, **Sch. 2 para. 47(b)** (with reg. 28(2)(3))
- F34** Words in Act substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, 3, 4 (with art. 3(2)(3), 4(2), 6(4)(5))
- F35** S. 174(3)(n) inserted (6.4.2013) by Civil Aviation Act 2012 (c. 19), s. 110(1), **Sch. 9 para. 5** (with Sch. 10 paras. 12, 17); S.I. 2013/589, art. 2(3)
- F36** S. 174(3)(o) inserted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 60(3)** (with art. 3)
- F37** Words substituted by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), s. 2, **Sch. 1 para. 50(2)(d)**
- F38** Words in s. 174(4)(a) substituted (1.4.1996) by S.I. 1996/593, reg. 3, **Sch. 2 para. 3(4)(a)**
- F39** Words in s. 174(4)(a) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 192(3)** (with Sch. 7)
- F40** Words in s. 174(4)(a) substituted (1.4.2006) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 26(2)(b)(i)**; S.I. 2005/2714, art. 4(f)

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- F41** Words in s. 174(4)(a) substituted (1.10.2005) by [Water Act 2003 \(c. 37\)](#), s. 105(3), **Sch. 7 para. 26(2)(b)(ii)**; [S.I. 2005/2714](#), art. 2(l)(bb)(iv)
- F42** Words in s. 174(4) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), **Sch. 1 para. 60(4)** (with art. 3)
- F43** Words in s. 174(4)(a) added (1.4.1996) by [S.I. 1996/593](#), reg. 3, **Sch. 2 para. 3(4)(b)**
- F44** Words in s. 174(6)(a) inserted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), s. 105(3), **Sch. 8 para. 1(4)**; [S.I. 2004/641](#), art. 3(y), **Sch. 2** (with **Sch. 3 para. 7**)
- F45** Word in s. 174(6)(a) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 1(3)(a)**; [S.I. 2016/465](#), art. 2(m), **Sch. 1 para. 1(a)** (with **Sch. 2**)
- F46** Words in s. 174(6)(a) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 1(3)(b)**; [S.I. 2016/465](#), art. 2(m), **Sch. 1 para. 1(a)** (with **Sch. 2**)
- F47** S. 174(8) inserted by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 2, **Sch. 1 para. 50(2)(e)**
- F48** Words in s. 174(8) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(r), **Sch. 23 para. 28(3)**

Modifications etc. (not altering text)

- C1** S. 174 modified (8.2.2007 immediately before the [Wireless Telegraphy Act 2006 \(c. 36\)](#) comes into force) by [The Wireless Telegraphy \(Pre-Consolidation Amendments\) Order 2006 \(S.I. 2006/1391\)](#), art. 1, **Sch. para. 7(3)(a)**

Marginal Citations

- M1** 1986 c. 45.
M2 1974 c. 37.
M3 1968 c. 29.
M4 1973 c. 41.
M5 1974 c. 39.
M6 1979 c. 38.
M7 1980 c. 21.
M8 1984 c. 12.
M9 1986 c. 31.
M10 1986 c. 44.
M11 1987 c. 43.

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