



# Electricity Act 1989

## 1989 CHAPTER 29

### PART I

#### ELECTRICITY SUPPLY

##### *Miscellaneous*

#### [<sup>F1</sup>56G] Service by Authority of certain notices on Council.

Where the Authority is required by any provision of this Part to publish a notice or any other document, the Authority shall send a copy of the document to the Council.

#### Textual Amendments

- F1** S. 56G inserted (20.12.2000) by 2000 c. 27, s. 18(6); S.I. 2000/3343, art. 2, Sch. (subject to transitional provisions in arts. 3-15) (as amended by S.I. 2001/1780, art. 2)

#### [<sup>F2</sup>57] .....

#### Textual Amendments

- F1** S. 56G inserted (20.12.2000) by 2000 c. 27, s. 18(6); S.I. 2000/3343, art. 2, Sch. (subject to transitional provisions in arts. 3-15) (as amended by S.I. 2001/1780, art. 2)
- F2** S. 57 repealed (7.11.2000) by 2000 c. 27, s. 108, Sch. 8; S.I. 2000/2974, art. 2, Sch. (subject to transitional provisions in arts. 3-12)

#### 58 Directions restricting the use of certain information.

- (1) The Secretary of State may give to any person who is authorised by a licence to transmit electricity (“the authorised person”) such directions as appear to the Secretary

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of State to be requisite or expedient for the purpose of securing that, in any case where subsection (2) below applies, neither the person by whom the information mentioned in that subsection is acquired nor any other person obtains any unfair commercial advantage from his possession of the information.

- (2) This subsection applies where, in the course of any dealings with an outside person who is, or is an associate of, a person authorised by a licence or exemption to generate, transmit or supply electricity, the authorised person or any associate of his is furnished with or otherwise acquires any information which relates to the affairs of that outside person or any associate of his.
- (3) As soon as practicable after giving any directions under subsection (1) above, the Secretary of State shall publish a copy of the directions in such manner as he considers appropriate for the purpose of bringing the directions to the attention of persons likely to be affected by a contravention of them.
- (4) The obligation to comply with any directions under subsection (1) above is a duty owed to any person who may be affected by a contravention of them.
- (5) Where a duty is owed by virtue of subsection (4) above to any person any breach of the duty which causes that person to sustain loss or damage shall be actionable at the suit or instance of that person.
- (6) In any proceedings brought against any person in pursuance of subsection (5) above, it shall be a defence for him to prove that he took all reasonable steps and exercised all due diligence to avoid contravening the directions.
- (7) Without prejudice to any right which any person may have by virtue of subsection (5) above to bring civil proceedings in respect of any contravention or apprehended contravention of any directions under this section, compliance with any such directions shall be enforceable by civil proceedings by the Secretary of State for an injunction or interdict or for any other appropriate relief.
- (8) In this section—
  - “dealings” includes dealings entered into otherwise than for purposes connected with the transmission of electricity;
  - “outside person”, in relation to any person, means any person who is not an associate of his;
 and for the purposes of this section a person is an associate of another if he and that other are connected with each other within the meaning of section 839 of the <sup>M1</sup>Income and Corporation Taxes Act 1988.

#### Textual Amendments

- F1** S. 56G inserted (20.12.2000) by 2000 c. 27, s. 18(6); S.I. 2000/3343, art. 2, Sch. (subject to transitional provisions in arts. 3-15) (as amended by S.I. 2001/1780, art. 2)

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

- C1** S. 58: transfer of certain functions (S.) (1.7.1999) by S.I. 1999/1750, arts. 1, 2, Sch. 1 (with art. 7)

#### Marginal Citations

- M1** 1988 c. 1.

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## 59 Making of false statements etc.

- (1) If any person, in giving any information or making any application under or for the purposes of any provision of this Part, or of any regulations made under 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 liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine.
- (2) Any person who seeks to obtain entry to any premises by falsely pretending to be—
- (a) an employee of [<sup>F3</sup>, or other person acting on behalf of, an electricity distributor or electricity supplier];
  - (b) an electrical inspector; or
  - (c) a meter examiner,
- shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (3) No proceedings shall be instituted in England and Wales in respect of an offence under subsection (1) above except by or with the consent of the Secretary of State or the Director of Public Prosecutions.]

### Textual Amendments

- F1** S. 56G inserted (20.12.2000) by 2000 c. 27, s. 18(6); S.I. 2000/3343, art. 2, Sch. (subject to transitional provisions in arts. 3-15) (as amended by S.I. 2001/1780, art. 2)
- F3** Words in s. 59(2)(a) substituted (1.10.2001) by 2000 c. 27, s. 108, Sch. 6 Pt. II para. 37; S.I. 2001/3266, art. 2, Sch. (subject to transitional provisions in arts. 3-20)

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