



Electricity Act 1989

1989 CHAPTER 29

PART III

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

96 Directions for preserving security of electricity supplies etc.

- (1) The Secretary of State may, after consultation with a person to whom this section applies, give to that person such directions of a general character as appear to the Secretary of State to be requisite or expedient for the purpose of—
 - (a) preserving the security of buildings or installations used for, or for purposes connected with, the generation, transmission or supply of electricity; or
 - (b) mitigating the effects of any civil emergency which may occur.
- (2) If it appears to the Secretary of State to be requisite or expedient to do so for any such purpose as is mentioned in subsection (1) above, he may, after consultation with a person to whom this section applies, give to that person a direction requiring him (according to the circumstances of the case) to do, or not to do, a particular thing specified in the direction.
- (3) A person to whom this section applies shall give effect to any direction given to him by the Secretary of State under this section notwithstanding any other duty imposed on him by or under this Act.
- (4) The Secretary of State shall lay before each House of Parliament a copy of every direction given under this section unless he is of the opinion that disclosure of the direction is against the interests of national security or the commercial interests of any person.
- (5) A person shall not disclose, or be required by virtue of any enactment or otherwise to disclose, anything done by virtue of this section if the Secretary of State has notified him that the Secretary of State is of the opinion that disclosure of that thing is against the interests of national security or the commercial interests of some other person.

Status: Point in time view as at 01/12/2004.

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- (6) This section applies to any licence holder and any person authorised by an exemption to generate or supply electricity.
- (7) In this section “civil emergency” means any natural disaster or other emergency which, in the opinion of the Secretary of State, is or may be likely to disrupt electricity supplies; and expressions used in Part I have the same meanings as in that Part.

97 Financial assistance for discharge of nuclear liabilities.

The provisions of Schedule 12 to this Act (which provide for the giving of financial assistance in connection with the storage and reprocessing of nuclear fuel, the treatment, storage and disposal of radioactive waste and the decommissioning of nuclear installations) shall have effect.

98 Provision of statistical information.

- (1) The Secretary of State may, if he considers it expedient for the purpose of obtaining statistical information relating to the generation, transmission or supply of electricity [^{F1}or the use of electricity interconnectors], serve a notice under this section on any licence holder or any person who is authorised by an exemption to generate or supply electricity [^{F2}or to participate in the operation of electricity interconnectors].
- (2) A notice under this section may require the person on whom it is served to furnish, at a time and place specified in the notice, to the Secretary of State such statistical information about that person’s business as may be so specified.
- (3) Subject to subsections (4) and (5) below, no information with respect to any particular business which—
 - (a) has been obtained under this section; 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 published or otherwise disclosed without the consent of that individual or the person for the time being carrying on that business.
- (4) Subsection (3) above does not apply in relation to any disclosure which is made after consultation with the individual concerned, or the person for the time being carrying on the business concerned, and is of information relating to—
 - (a) the quantities of electricity generated by particular methods or by the use of particular fuels;
 - (b) the quantities of particular fuels used for the generation of electricity;
 - (c) the quantities of electricity transferred between Great Britain and countries or territories outside Great Britain, or between England and Wales on the one hand and Scotland on the other; or
 - (d) the quantities of electricity supplied in England, Scotland or Wales either generally or to persons of any particular class or description.
- (5) Subsection (3) above does not apply in relation to any disclosure which is made to the Minister in charge of any Government department [^{F3}or to the Scottish Ministers] or for the purposes of any proceedings under this section.
- (6) The Secretary of State may, after consultation with persons or bodies appearing to him to be representative of persons likely to be affected, by order amend subsection (4)

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above so as to add other descriptions of information which may be disclosed notwithstanding that it may relate to a particular person or business.

- (7) Any person who without reasonable excuse fails to furnish information in compliance with a requirement under this section shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- (8) Any person who publishes or discloses any information in contravention of subsection (3) above or, in purported compliance with a requirement under this section, knowingly or recklessly furnishes any information which is false in any material particular shall be liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding three months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.
- (9) In this section “information” does not include estimates as to future matters but, subject to that, expressions which are used in Part I have the same meanings as in that Part.

Textual Amendments

- F1** Words in s. 98(1) inserted (1.12.2004) by [Energy Act 2004 \(c. 20\)](#), **ss. 147(8)(a)**, 198(2); [S.I. 2004/2575](#), [art. 2\(2\)](#), [Sch. 2](#)
- F2** Words in s. 98(1) inserted (1.12.2004) by [Energy Act 2004 \(c. 20\)](#), **ss. 147(8)(b)**, 198(2); [S.I. 2004/2575](#), [art. 2\(2\)](#), [Sch. 2](#)
- F3** Words in s. 98(5) inserted (1.7.1999) by [S.I. 1999/1820](#), [art. 4](#), **Sch. 2 Pt. I para. 95**

Modifications etc. (not altering text)

- C1** S. 98(1)(2): certain functions made exercisable by the Scottish Ministers concurrently with the Minister (S.) (1.7.1999) by [S.I. 1999/1750](#), [arts. 1, 3](#), **Sch. 2** (with [art. 7](#))

99 Promotion of new techniques in national interest.

- (1) The Secretary of State shall exercise the power conferred on him by section 5 of the ^{M1}Science and Technology Act 1965 (expenditure on research and development in science or technology) for the purpose of promoting such research into, and such development of, new techniques relating to the generation, transmission or supply of electricity as appears to him to be necessary in the national interest.
- (2) The Secretary of State may, if he considers it expedient for purposes connected with the performance of his duty under this section, serve notice under this subsection on any licence holder or any person who is authorised by an exemption to generate or supply electricity.
- (3) A notice under subsection (2) above may require the person on whom it is served to furnish, at a time and place specified in the notice, to the Secretary of State such information about that person’s business as may be so specified.
- (4) Subsections (3), (5) and (7) to (9) of section 98 above shall apply for the purposes of this section as they apply for the purposes of that section.

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Marginal Citations

M1 1965 c. 4.

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