



Railways Act 1993

1993 CHAPTER 43

PART III

MISCELLANEOUS, GENERAL AND SUPPLEMENTAL PROVISIONS

Supplemental

145 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 under or 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 Regulator, the [^{F1}Authority] or the [^{F2}Competition Commission] of any of his or, as the case may be, their functions under this Act [^{F3} or the Transport Act 2000];
 - (b) for the purpose of facilitating the carrying out by—
 - (i) any Minister of the Crown,
 - (ii) the Director General of Fair Trading,
 - (iii) the [^{F2} Competition Commission],
 - (iv) the Director General of Telecommunications,
 - (v) the Director General of Gas Supply,
 - (vi) the Director General of Water Supply,
 - (vii) the Director General of Electricity Supply,
 - (viii) the Civil Aviation Authority,

Status: Point in time view as at 21/12/2001. This version of this provision has been superseded.

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- (ix) the Insolvency Practitioners Tribunal, or
 - (x) a local weights and measures authority in Great Britain,
- of any of his or, as the case may be, their functions under any of the enactments or instruments specified in subsection (3) below;
- [^{F4}(c) for the purpose of enabling or assisting the Secretary of State, the Treasury or the Financial Services Authority to exercise any powers conferred by or under the Financial Services and Markets Act 2000 or by the enactments relating to companies or insolvency;
 - (ca) for the purpose of enabling or assisting any inspector appointed under enactments relating to companies to carry out his functions;]
 - (d) for the purpose of enabling or assisting 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;
 - (e) for the purpose of facilitating the carrying out by the Health and Safety Commission or 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;
 - (f) for the purpose of facilitating the carrying out by the Comptroller and Auditor General of any of his functions under any enactment;
 - (g) for the purpose of facilitating the carrying out by the International Rail Regulator of any of his functions under any subordinate legislation made for the purpose of implementing the Directive [91/440/EEC](#) of the Council of the European Communities dated 29th July 1991 on the development of the Community's railways [^{F5}or Council Directive [95/18/EC](#) on the licensing of railway undertakings or Council Directive [95/19/EC](#) on the allocation of railway infrastructure capacity and the charging of infrastructure fees];
 - (h) 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 or any of the enactments or instruments specified in subsection (3) below; or
 - (k) in pursuance of a Community 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;
 - ^{F6}(d)
 - ^{F6}(e)
 - (f) the ^{M6}Estate Agents Act 1979;
 - (g) the ^{M7}Competition Act 1980;
 - (h) the ^{M8}Telecommunications Act 1984;
 - (j) the ^{M9}Airports Act 1986;
 - (k) the ^{M10}Gas Act 1986;
 - (l) the ^{M11}Insolvency Act 1986;
 - (m) the ^{M12}Consumer Protection Act 1987;
 - (n) the ^{M13}Electricity Act 1989;

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- (o) the ^{M14}Property Misdescriptions Act 1991;
 - (p) the ^{M15}Water Industry Act 1991;
 - (q) the ^{M16}Water Resources Act 1991;
 - ^{F7}(qq) the Competition Act 1998.]
 - ^{F8}(qr) Part I of the Transport Act 2000;]
 - (r) any subordinate legislation made for the purpose of securing compliance with the Directive [84/450/EEC](#). of the Council of the European Communities dated 10th September 1984 on the approximation of the laws, regulations and administrative provisions of the member States concerning misleading advertising.
- (4) The Secretary of State may by order provide that subsections (2) and (3) above shall have effect subject to such modifications as are specified in the order.
- (5) Nothing in subsection (1) above shall be construed—
- (a) as limiting the matters which may be published under section 71 above or may be included in, or made public as part of, a report of the Regulator, the ^{F1}Authority], the ^{F2}Competition Commission], the ^{F9}Rail Passengers' Council or a Rail Passengers' Committee] under any provision of Part I above;
 - (b) as applying to any information—
 - (i) which has been so published or has been made public as part of such a report; or
 - (ii) which has otherwise been made available to the public by virtue of being disclosed in any circumstances in which, or for any purpose for which, disclosure is not precluded by this section.
- ^{F10}(5A) Subsection (1) above does not prevent the transfer of records in accordance with section 3(4) of the ^{M17}Public Records Act 1958.]
- (6) Any person who discloses any information in contravention of this section is guilty of an offence and shall be 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.
- ^{F11}(6A) Information obtained by the Regulator in the exercise of functions which are exercisable concurrently with the Director General of Fair Trading under Part I of the Competition Act 1998 is subject to sections 55 and 56 of that Act (disclosure) and not to subsections (1) to (6) of this section.]
- ^{F12}(7) The references in subsection (5) above to a Rail Passengers' Committee includes the London Transport Users' Committee.]

Textual Amendments

- F1** Words in s. 145(2)(a)(5)(a) substituted (1.2.2001) by 2000 c. 38, s. 215, **Sch. 16 para. 52**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II) (which S.I. was amended by S.I. 2001/115)
- F2** Words in s. 145(2)(a)(b)(iii)(5)(a) substituted (1.4.1999) by S.I. 1999/506, **art. 33(b)**
- F3** Words in s. 145(2)(a) substituted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 41(2)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II) (which S.I. was amended by S.I. 2001/115)
- F4** S. 145(2)(c)(ca) substituted (1.12.2001) for s. 145(2)(c) by S.I. 2001/3649, **arts. 1, 343**

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- F5** Words in s. 145(2)(g) inserted (27.6.1998) by S.I. 1998/1340, **reg. 21(10)**
- F6** S. 145(3)(d)(e) repealed (1.3.2000) by 1998 c. 41, ss. 66(5), 74(3), Sch. 10 Pt. IV para. 15(9)(a), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**
- F7** S. 145(3)(qq) inserted (11.1.1999) by 1998 c. 41, ss. 66(5), **Sch. 10 Pt. IV para. 15(9)(b)** (with s. 73); S.I. 1998/3166, art. 2, **Sch.**
- F8** S. 145(3)(qr) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. IV para. 23**
- F9** Words in s. 145(5)(a) substituted (1.2.2001) by 2000 c. 38, s. 227, **Sch. 22 para. 11(2)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II) (which S.I. was amended by S.I. 2001/115)
- F10** S. 145(5A) inserted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 41(3)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F11** S. 145(6A) inserted (1.3.2000) by 1998 c. 41, ss. 66(5), **Sch. 10 Pt. IV para. 15(10)** (with s. 73); S.I. 2000/344, art. 2, **Sch.**
- F12** S. 145(7) substituted (1.2.2001) by 2000 c. 38, s. 227, **Sch. 22 para. 11(3)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II) (which S.I. was amended by S.I. 2001/115)

Modifications etc. (not altering text)

- C1** S. 145(2): disclosure powers extended (14.12.2001) by 2001 c. 24, s. 17, **Sch. 4 Pt. I para. 34**

Commencement Information

- I1** S. 145 wholly in force at 1.4.1994; s. 145 not in force at Royal Assent see s. 154(2); s. 145(1)-(6) (except for the purposes of subsections 5(a) and 5(b)(i)) in force at 24.12.1993 by S.I. 1993/3237, **art. 2(1)**; s. 145 in force at 1.4.1994 insofar as not already in force by S.I. 1994/571, **art. 5**

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 1986 c. 45.
M12 1987 c. 43.
M13 1989 c. 29.
M14 1991 c. 29.
M15 1991 c. 56.
M16 1991 c. 57.
M17 1958 c. 51.

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