



Environment Act 1995

1995 CHAPTER 25

PART V

MISCELLANEOUS, GENERAL AND SUPPLEMENTAL PROVISIONS

Information

113 Disclosure of information.

- (1) Notwithstanding any prohibition or restriction imposed by or under any enactment or rule of law, information of any description may be disclosed—
- by a new Agency to a Minister of the Crown, the other new Agency or a local enforcing authority,
 - by a Minister of the Crown to a new Agency, another Minister of the Crown or a local enforcing authority, or
 - by a local enforcing authority to a Minister of the Crown, a new Agency or another local enforcing authority,

for the purpose of facilitating the carrying out by either of the new Agencies of any of its functions, by any such Minister of any of his environmental functions or by any local enforcing authority of any of its relevant functions; and no person shall be subject to any civil or criminal liability in consequence of any disclosure made by virtue of this subsection.

- (2) Nothing in this section shall authorise the disclosure to a local enforcing authority by a new Agency or another local enforcing authority of information—
- disclosure of which would, in the opinion of a Minister of the Crown, be contrary to the interests of national security; or
 - which was obtained under or by virtue of the ^{M1}Statistics of Trade Act 1947 and which was disclosed to a new Agency or any of its officers by the Secretary of State.
- (3) No information disclosed to any person under or by virtue of this section shall be disclosed by that person to any other person otherwise than in accordance with the

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provisions of this section, or any provision of any other enactment which authorises or requires the disclosure, if that information is information—

- (a) which relates to a trade secret of any person or which otherwise is or might be commercially confidential in relation to any person; or
 - (b) whose disclosure otherwise than under or by virtue of this section would, in the opinion of a Minister of the Crown, be contrary to the interests of national security.
- (4) Any authorisation by or under this section of the disclosure of information by or to any person shall also be taken to authorise the disclosure of that information by or, as the case may be, to any officer of his who is authorised by him to make the disclosure or, as the case may be, to receive the information.

(5) In this section—

“new Agency” means the Agency or SEPA;

[^{F1}“the environment” means all, or any, of the following media, namely, the air, water and land (and the medium of air includes the air within buildings and the air within other natural or man-made structures above or below ground);]

“environmental functions”, in relation to a Minister of the Crown, means any function of that Minister, whether conferred or imposed under or by virtue of any enactment or otherwise, relating to the environment; and

“local enforcing authority” means—

- (a) any local authority within the meaning of Part IIA of the Environmental Protection Act 1990, and the “relevant functions” of such an authority are its functions under or by virtue of that Part;

[^{F2}(aa) in relation to England and Wales, any local authority within the meaning of regulations under section 2 of the Pollution Prevention and Control Act 1999;]

- (b) any local authority within the meaning of Part IV of this Act, and the “relevant functions” of such an authority are its functions under or by virtue of that Part; [^{F3}or]
- (c) in relation to England, any county council for an area for which there are district councils, and the “relevant functions” of such a county council are its functions under or by virtue of Part IV of this Act; or
- (d) in relation to England and Wales, any local enforcing authority within the meaning of section 1(7) of the Environmental Protection Act 1990, and the “relevant functions” of such an authority are its functions under or by virtue of Part I of that Act.

Textual Amendments

- F1** S. 113(5): definition of “the environment” substituted (21.3.2000 (E.W.) and 29.9.2000 (S.)) by [1999 c. 24, s. 6\(1\)](#), [Sch. 2 para. 18\(2\)](#); [S.I. 2000/800, art. 2](#); [S.S.I. 2000/322, art. 2](#)
- F2** S. 113(5): para. (aa) in the definition of “local enforcing authority” inserted (E.W.) (1.8.2000) by [S.I. 2000/1973, reg. 39](#), [Sch. 10 para. 17](#)
- F3** S. 113(5): word at end of para. (b) in definition of “local enforcing authority” inserted (21.3.2000 (E.W.) and 29.9.2000 (S.)) by [1999 c. 24, s. 6\(1\)](#), [Sch. 2 para. 18\(3\)](#); [S.I. 2000/800, art. 2](#); [S.S.I. 2000/322, art. 2](#)

Modifications etc. (not altering text)

- C1** [S. 113\(2\)\(3\)](#): certain functions made exercisable by the Scottish Ministers concurrently with the Minister concerned (1.7.1999) by [S.I. 1999/1750, arts. 1, 3](#), [Sch. 2](#) (with [art. 7](#)); [S.I. 1998/3178, art. 3](#)

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Marginal Citations

M1 1947 c. 39.

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