



Utilities Act 2000

2000 CHAPTER 27

PART VI U.K.

MISCELLANEOUS AND SUPPLEMENTARY

Miscellaneous

103 Overall [^{F1}carbon emissions reduction targets]. U.K.

- (1) For the purposes of the exercise [^{F2}of the functions of the Administrator] under either or both of—
- (a) section 33BC of the 1986 Act ([^{F3}promotion of reductions in carbon emissions:] gas transporters and suppliers) and any order made under that section, and
 - (b) section 41A of the 1989 Act ([^{F3}promotion of reductions in carbon emissions:] electricity ^{F4}... distributors and suppliers) and any order made under that section,

the Secretary of State may by order specify an overall target for the promotion of [^{F5}the measures mentioned in subsection (2) of each of those sections].

[^{F6}(1A) The power conferred by this section may be exercised so as to specify more than one overall target in relation to the same period or to periods that overlap to any extent.]

- (2) Where an overall target applies in relation to both sections mentioned in subsection (1), the order specifying the target may make provision [^{F7} the target to be apportioned] between—
- (a) persons who are gas transporters or gas suppliers (for the purposes of section 33BC of the 1986 Act and any order under that section); and
 - (b) persons who are ^{F8}... electricity distributors or electricity suppliers (for the purposes of section 41A of the 1989 Act and any order under that section),
- by reference to such criteria as may be specified in the order.

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- [^{F9}(2A) Where an overall target applies in relation to a section mentioned in subsection (1) the order specifying the target may make provision for the target to be apportioned between—
- (a) measures carried out in England and Wales, and
 - (b) measures carried out in Scotland,
- by reference to such criteria as may be specified in the order.]
- (3) [^{F10} The Administrator] shall exercise its functions under the provisions mentioned in subsection (1) in relation to which an overall target applies (and in particular its functions relating to the determination of [^{F11}carbon emissions reduction targets]) in the manner it considers best calculated to result in the achievement of the overall target.
- [^{F12}(3A) Where a target is apportioned under subsection (2A) for the purposes of a section, an order under that section may include provision for a supplier to elect, subject to any conditions specified in the order—
- (a) that, for the purposes of meeting the carbon emissions reduction target under an obligation imposed by the order in relation to England and Wales, a measure carried out in Scotland is to be treated instead as carried out in England and Wales;
 - (b) that, for the purposes of meeting the carbon emissions reduction target under an obligation imposed by the order in relation to Scotland, a measure carried out in England and Wales is to be treated instead as carried out in Scotland.
- (3B) An order may not make provision under subsection (3A)(b) unless the Scottish Ministers have agreed to such provision being made.]
- (4) Before making an order under this section the Secretary of State shall consult the Authority, [^{F13}Citizens Advice, [^{F14}Consumer Scotland]], gas transporters, gas suppliers, ^{F15}... electricity distributors, electricity suppliers, and such other persons as he considers appropriate.
- (5) An order under this section shall not be made unless a draft of the instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.

Textual Amendments

- F1** Words in s. 103 substituted (28.2.2007) by [Climate Change and Sustainable Energy Act 2006 \(c. 19\)](#), s. 28(3), [Sch. para. 7\(2\)](#); S.I. 2007/538, art. 2
- F2** Words in s. 103(1) substituted (18.12.2011) by [Energy Act 2011 \(c. 16\)](#), s. 121(5)(a), [Sch. 1 para. 8\(2\)\(a\)](#)
- F3** Words in s. 103(1)(a)(b) substituted (28.2.2007) by [Climate Change and Sustainable Energy Act 2006 \(c. 19\)](#), s. 28(3), [Sch. para. 7\(3\)\(a\)](#); S.I. 2007/538, art. 2; S.I. 2007/538, art. 2
- F4** Word in s. 103(1)(b) omitted (1.1.2013) by virtue of [Energy Act 2011 \(c. 16\)](#), s. 121(5)(b), [Sch. 1 para. 8\(2\)\(b\)](#)
- F5** Words in s. 103(1) substituted (28.2.2007) by [Climate Change and Sustainable Energy Act 2006 \(c. 19\)](#), s. 28(3), [Sch. para. 7\(3\)\(b\)](#); S.I. 2007/538, art. 2
- F6** S. 103(1A) inserted (26.1.2009) by [Climate Change Act 2008 \(c. 27\)](#), s. 100(5), [Sch. 8 para. 6\(3\)](#)
- F7** Words in s. 103(2) substituted (18.12.2011) by [Energy Act 2011 \(c. 16\)](#), s. 121(5)(a), [Sch. 1 para. 8\(3\)\(a\)](#)
- F8** Words in s. 103(2)(b) omitted (1.1.2013) by virtue of [Energy Act 2011 \(c. 16\)](#), s. 121(5)(b), [Sch. 1 para. 8\(3\)\(b\)](#)

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- F9** S. 103(2A) inserted (1.12.2017 for specified purposes, 1.10.2018 in so far as not already in force) by Scotland Act 2016 (c. 11), **ss. 60(3), 72(4)(d)**; S.I. 2017/1157, regs. 3(c), 5(b)
- F10** Words in s. 103(3) substituted (18.12.2011) by Energy Act 2011 (c. 16), s. 121(5)(a), **Sch. 1 para. 8(4)**
- F11** Words in s. 103(3) substituted (28.2.2007) by Climate Change and Sustainable Energy Act 2006 (c. 19), s. 28(3), **Sch. para. 7(4)**; S.I. 2007/538, art. 2
- F12** S. 103(3A)(3B) inserted (1.12.2017 for specified purposes, 1.10.2018 in so far as not already in force) by Scotland Act 2016 (c. 11), **ss. 60(4), 72(4)(d)**; S.I. 2017/1157, regs. 3(c), 5(b)
- F13** Words in s. 103(4) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 8(7)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F14** Words in s. 103(4) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 5(4)** (with art. 5)
- F15** Words in s. 103(4) omitted (1.1.2013) by virtue of Energy Act 2011 (c. 16), s. 121(5)(b), **Sch. 1 para. 8(5)**

Commencement Information

- II** S. 103 wholly in force at 1.10.2001; s. 103 not in force at Royal Assent see s. 110(2); s. 103 in force at 1.10.2001 by S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)

[^{F16}103A Overall home-heating cost reduction targets **U.K.**

- (1) For the purposes of the exercise of the functions of the Administrator under either or both of—
- (a) section 33BD of the 1986 Act (promotion of reductions in home-heating costs: gas transporters and suppliers) and any order made under that section, and
 - (b) section 41B of the 1989 Act (promotion of reductions in home-heating costs: electricity distributors and suppliers) and any order made under that section,
- the Secretary of State may by order specify an overall target for the promotion of measures for reducing the cost to individuals of heating their homes.
- (2) The power conferred by this section may be exercised so as to specify more than one overall target in relation to the same period or to periods that overlap to any extent.
- (3) Where an overall target applies in relation to both sections mentioned in subsection (1), the order specifying the target may make provision for the target to be apportioned between—
- (a) persons who are gas transporters or gas suppliers (for the purposes of section 33BD of the 1986 Act and any order made under that section); and
 - (b) persons who are electricity distributors or electricity suppliers (for the purposes of section 41B of the 1989 Act and any order under that section),
- by reference to such criteria as may be specified in the order.

- [Where an overall target applies in relation to a section mentioned in subsection (1)
- ^{F17}(3A) the order specifying the target may make provision for the target to be apportioned between—
- (a) measures carried out in England and Wales, and
 - (b) measures carried out in Scotland,
- by reference to such criteria as may be specified in the order.]

- (4) The Administrator shall exercise its functions under the provisions mentioned in subsection (1) in relation to which an overall target applies (and in particular its

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functions relating to the determination of home-heating cost reduction targets) in the manner it considers best calculated to result in the achievement of the overall target.

[Where a target is apportioned under subsection (3A) for the purposes of a section, an ^{F18}(4A) order under that section may include provision for a supplier to elect, subject to any conditions specified in the order,—

- (a) that, for the purposes of meeting the home-heating cost reduction target under an obligation imposed by the order in relation to England and Wales, a measure carried out in Scotland is to be treated instead as carried out in England and Wales;
- (b) that, for the purposes of meeting the home-heating cost reduction target under an obligation imposed by the order in relation to Scotland, a measure carried out in England and Wales is to be treated instead as carried out in Scotland.

(4B) An order may not make provision under subsection (4A)(b) unless the Scottish Ministers have agreed to such provision being made.]

(5) Before making an order under this section the Secretary of State shall consult the Authority, [^{F19}Citizens Advice, [^{F20}Consumer Scotland]], gas transporters, gas suppliers, electricity distributors, electricity suppliers, and such other persons as the Secretary of State considers appropriate.

(6) An order under this section shall not be made unless a draft of the instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.]

Textual Amendments

- F16** S. 103A inserted (18.12.2011) by [Energy Act 2011 \(c. 16\), ss. 70, 121\(3\)](#)
- F17** S. 103A(3A) inserted (1.12.2017 for specified purposes, 1.10.2018 in so far as not already in force) by [Scotland Act 2016 \(c. 11\), ss. 60\(6\), 72\(4\)\(d\)](#); S.I. 2017/1157, regs. 3(c), 5(b)
- F18** S. 103A(4A)(4B) inserted (1.12.2017 for specified purposes, 1.10.2018 in so far as not already in force) by [Scotland Act 2016 \(c. 11\), ss. 60\(7\), 72\(4\)\(d\)](#); S.I. 2017/1157, regs. 3(c), 5(b)
- F19** Words in s. 103A(5) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\), art. 1\(3\), Sch. 1 para. 8\(8\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F20** Words in s. 103A(5) substituted (13.1.2022) by [The Consumer Scotland Act 2020 \(Consequential Provisions and Modifications\) Order 2022 \(S.I. 2022/34\), art. 1\(1\), Sch. para. 5\(5\)](#) (with art. 5)

[^{F21}103B Power of Secretary of State [^{F22}and the Scottish Ministers] to require information: carbon emissions reduction targets and home-heating cost reduction targets **U.K.**

- (1) [^{F23}Subject to subsection (1A),] the Secretary of State may by notice require a person within subsection (3) to provide the Secretary of State with specified information, or information of a specified kind, for the purpose of enabling the Secretary of State—
- (a) to decide whether to make a carbon emissions reduction order or a home-heating cost reduction order and, if so, what provision to include in the order;
 - (b) to review the operation and effect of a carbon emissions reduction order or a home-heating cost reduction order;
 - (c) to establish and maintain a record (“a measures record”) of properties in respect of which carbon emissions reduction measures or home-heating cost

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reduction measures have been taken and of the type of measure taken in respect of each such property.

^{F24} [The Scottish Ministers may exercise the power in subsection (1)(b) and (c) in order to (1A) require information to review the operation of any carbon emissions reduction order or home-heating cost reduction order made by the Scottish Ministers and to establish and maintain a measures record in relation to such orders.]

(2) For the purpose of enabling a person (“A”) to establish and maintain a measures record on behalf of the Secretary of State [^{F25}or the Scottish Ministers], the Secretary of State [^{F26}and the Scottish Ministers] may by notice require any person within subsection (3) to provide A with specified information or information of a specified kind.

(3) Those persons are—

- (a) gas transporters and gas suppliers;
- (b) electricity distributors and electricity suppliers;
- (c) the Authority; and
- (d) any body other than the Authority that is for the time being the Administrator in relation to a carbon emissions reduction order or a home-heating cost reduction order.

(4) Information required to be provided by a notice under this section must be provided—

- (a) in such form as may be specified;
- (b) within such period as may be specified or at such intervals as may be specified.

(5) No person shall be required by a notice under this section to provide any information which the person could not be compelled to give in evidence in civil proceedings in the High Court or, in Scotland, the Court of Session.

(6) Information obtained by virtue of this section may be disclosed by the Secretary of State—

- (a) to the Welsh Ministers for the purpose of enabling them to review the operation and effect in Wales of a carbon emissions reduction order or a home-heating cost reduction order;
- (b) to the Scottish Ministers for the purpose of enabling them to review the operation and effect in Scotland of a carbon emissions reduction order or a home-heating cost reduction order.

^{F27} [Information obtained by virtue of subsection (1A) may be disclosed by the Scottish (6A) Ministers—

- (a) to the Secretary of State;
- (b) to the Welsh Ministers for the purpose of enabling them to review the operation and effect in Wales of a carbon emissions reduction order or home-heating cost reduction order.]

(7) In sections 28 to 30F and section 38 of the 1986 Act (enforcement of relevant requirements etc) a reference to a “relevant requirement” is to be treated as including a reference to a requirement imposed on a gas transporter or gas supplier under this section.

(8) In sections 25 to 28 of the 1989 Act (enforcement of relevant requirements etc) a reference to a “relevant requirement” is to be treated as including a reference to a requirement imposed on an electricity distributor or electricity supplier under this section.

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(9) In this section—

“a carbon emissions reduction order” means an order under—

- (a) section 33BC of the 1986 Act;
- (b) section 41A of the 1989 Act; or
- (c) section 103 of this Act;

“a home-heating cost reduction order” means an order under—

- (a) section 33BD of the 1986 Act;
- (b) section 41B of the 1989 Act; or
- (c) section 103A of this Act;

“a carbon emissions reduction measure” is a measure of a kind mentioned in subsection (2) of each of section 33BC of the 1986 Act and section 41A of the 1989 Act;

“a home-heating cost reduction measure” is a measure of a kind mentioned in subsection (2)(b) of each of section 33BD of the 1986 Act and section 41B of the 1989 Act;

“specified” means specified in a notice under this section.]

Textual Amendments

- F21** S. 103B inserted (18.12.2011) by [Energy Act 2011 \(c. 16\), ss. 71, 121\(3\)](#)
- F22** Words in s. 103B heading inserted (1.12.2017 for specified purposes, 1.10.2018 in so far as not already in force) by [Scotland Act 2016 \(c. 11\), ss. 60\(9\), 72\(4\)\(d\); S.I. 2017/1157, regs. 3\(c\), 5\(b\)](#)
- F23** Words in s. 103B(1) inserted (1.12.2017 for specified purposes, 1.10.2018 in so far as not already in force) by [Scotland Act 2016 \(c. 11\), ss. 60\(10\), 72\(4\)\(d\); S.I. 2017/1157, regs. 3\(c\), 5\(b\)](#)
- F24** Words in s. 103B(1A) inserted (1.12.2017 for specified purposes, 1.10.2018 in so far as not already in force) by [Scotland Act 2016 \(c. 11\), ss. 60\(10\), 72\(4\)\(d\); S.I. 2017/1157, regs. 3\(c\), 5\(b\)](#)
- F25** Words in s. 103B(2) inserted (1.12.2017 for specified purposes, 1.10.2018 in so far as not already in force) by [Scotland Act 2016 \(c. 11\), ss. 60\(11\)\(a\), 72\(4\)\(d\); S.I. 2017/1157, regs. 3\(c\), 5\(b\)](#)
- F26** Words in s. 103B(2) inserted (1.12.2017 for specified purposes, 1.10.2018 in so far as not already in force) by [Scotland Act 2016 \(c. 11\), ss. 60\(11\)\(b\), 72\(4\)\(d\); S.I. 2017/1157, regs. 3\(c\), 5\(b\)](#)
- F27** S. 103B(6A) inserted (1.12.2017 for specified purposes, 1.10.2018 in so far as not already in force) by [Scotland Act 2016 \(c. 11\), ss. 60\(12\), 72\(4\)\(d\); S.I. 2017/1157, regs. 3\(c\), 5\(b\)](#)

^{F28} 104 Specialist members of the Competition Commission. **U.K.**

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Textual Amendments

- F28** S. 104 omitted (1.4.2014) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 6 para. 84; S.I. 2014/416, art. 2\(1\)\(d\) \(with Sch.\)](#)

105 General restrictions on disclosure of information. **E+W+S**

(1) Information which—

- (a) has been obtained under or by virtue of the provisions of this Act, Part I of the 1986 Act [^{F29}, Part 1 of the 1989 Act ^{F30}...]^{F31}, section 184(5) or 185(5) of the Energy Act 2004 [^{F32} or Part 2 or section 27 or 28 of the Energy Act

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2010]^{F33} or section 50 or 51 of the Energy Act 2013] or section 41 or 100 of the Energy Act 2008 ^{F34} or the Domestic Gas and Electricity (Tariff Cap) Act 2018];] and

(b) relates to the affairs of any individual or to any particular business, shall not be disclosed during the lifetime of the individual or so long as the business continues to be carried on, except as provided below.

(2) Subsection (1) does not apply to a disclosure made with the consent of the individual or the person for the time being carrying on the business.

(3) Subsection (1) does not apply to a disclosure if—

(a) it is made for the purpose of facilitating the performance of any functions of the Secretary of State, the Authority, ^{F35}Citizens Advice, Citizens Advice Scotland]^{F36}, Consumer Scotland] or the ^{F37}Competition and Markets Authority] under the 1986 Act, the 1989 Act ^{F38}, section 184 or 185 of the Energy Act 2004]^{F39} sections 41 to 43 ^{F40}... of the Energy Act 2008]^{F41}, Part 2 or section 28 of the Energy Act 2010]^{F33}, section 50 or 51 of the Energy Act 2013]^{F42}, the REMIT Regulations] or this Act;

^{F43}(aza) it is made for the purpose of facilitating the performance, by a body specified as the Administrator under an order under section 33BC or 33BD of the Gas Act 1986 or under section 41A or 41B of the Electricity Act 1989, of its functions under that section and the order;]

^{F44}(azb) it is made for the purpose of facilitating the performance of any functions of the Authority under the Domestic Gas and Electricity (Tariff Cap) Act 2018;]

^{F45}(aa) it is made for the purpose of facilitating any functions of any person under section 100 of the Energy Act 2008;]

^{F46}(ab) it is required by a notice under section 103B of this Act or is permitted by subsection (6) of that section;]

(b) it is required by a notice under section 38(1A) of the 1986 Act or section 28(2A) of the 1989 Act;

^{F47}(ba) it is a protected disclosure for the purposes of the Employment Rights Act 1996 (and for the purposes of ascertaining whether it is a protected disclosure, subsection (9) is to be disregarded);]

(c) it is made by a licence holder and is required to be made by a condition of his licence; or

(d) it is made by one licence holder to another and is required by that other licence holder for purposes connected with the carrying on of relevant activities.

(4) Subsection (1) does not apply to any disclosure of information made—

(a) for the purpose of facilitating the performance by a person or body mentioned in subsection (5) of any function under an Act or instrument specified in subsection (6);

(b) for the purpose of facilitating the performance by the Comptroller and Auditor General, ^{F48}...the Health and Safety Executive of any of his or its functions;

^{F49}(ba) for the purpose of facilitating the performance by the Office for Nuclear Regulation of any of its functions;]

(c) for the purpose of facilitating the exercise by the Secretary of State of any power conferred ^{F50}. . . by the enactments relating to companies ^{F50}. . . or insolvency;

(d) for the purpose of facilitating the performance of the functions of an inspector appointed under the enactments relating to companies;

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- [^{F51}(da) for the purpose of facilitating the performance by the Secretary of State, the Treasury [^{F52}, the Financial Conduct Authority, the Prudential Regulation Authority or the Bank of England] of any functions under the Financial Services and Markets Act 2000 [^{F53} or the Consumer Credit Act 1974];
- (db) for the purpose of facilitating the discharge of any function by a person appointed under—
- (i) section 97 of the financial Services and Markets Act 2000 (investigations into a breach of listing rules etc.),
 - (ii) section 167 of that Act (general investigations), or
 - (iii) section 168 of that Act (investigations in particular cases);
- (e) for the purpose of facilitating the performance by an official receiver of his functions under the enactments relating to insolvency or by a recognised professional body for the purposes of section 391 of the ^{M1}Insolvency Act 1986 of its functions as such a body;
- (f) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;
- (g) for the purposes of any civil proceedings brought [^{F54}—
- (i) under or by virtue of the 1986 Act, the 1989 Act, this Act or any Act or instrument specified in subsection (6), or
 - (ii) in reliance on section 47B or 103A of the Employment Rights Act 1996;]
- [^{F55}(ga) in connection with the investigation of any failure to comply with a REMIT requirement [^{F56} or an EU REMIT requirement] or for the purposes of any proceedings brought under or by virtue of REMIT [^{F57} or any proceedings brought under or by virtue of EU REMIT in a member State];] or
- (h) in pursuance of [^{F58} a retained] Community obligation.
- (5) The persons and bodies specified for the purposes of subsection (4)(a) are—
- (a) a Minister of the Crown;
 - (b) the [^{F59} Competition and Markets Authority];
 - ^{F60}(c)
 - [^{F61}(d) the Office of Communications;]
 - [^{F62}(e) the Water Services Regulation Authority;]
 - [^{F63}(f) the Northern Ireland Authority for Utility Regulation;]
 - (h) [^{F64} the Office of Rail and Road];
 - (i) the Civil Aviation Authority;
 - ^{F65}(j)
 - (k) the Coal Authority; ^{F66}...
 - (l) a local weights and measures authority in Great Britain [^{F67}, ^{F68} ...
 - [^{F69}(m) Citizens Advice, ^{F70} ...
 - (n) Citizens Advice Scotland [^{F71}, and]]]
 - [^{F71}(o) Consumer Scotland.]
- (6) The Acts and instruments specified for the purposes of subsection (4)(a) and (g) are—
- (a) the ^{M2}Trade Descriptions Act 1968;
 - (b) the ^{M3}Fair Trading Act 1973;
 - (c) the ^{M4}Consumer Credit Act 1974;
 - (d) the ^{M5}Estate Agents Act 1979;

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- (e) the ^{M6}Competition Act 1980;
 - (f) the ^{M7}National Audit Act 1983;
 - (g) the ^{M8}Telecommunications Act 1984;
 - (h) the ^{M9}Airports Act 1986;
 - (i) the ^{M10}Insolvency Act 1986;
 - (j) the ^{M11}Consumer Protection Act 1987;
 - ^{F72}(k)
 - (l) the ^{M12}Water Act 1989, the ^{M13}Water Industry Act 1991 or any of the other consolidation Acts (within the meaning of section 206 of the Water Industry Act 1991) [^{F73}or the Water Act 2003][^{F74}or the Water and Sewerage Services (Northern Ireland) Order 2006][^{F75}or the Water Act 2014];
 - (m) the ^{M14}Electricity (Northern Ireland) Order 1992;
 - (n) the ^{M15}Railways Act 1993;
 - (o) the ^{M16}Coal Industry Act 1994;
 - (p) the ^{M17}Gas (Northern Ireland) Order 1996;
 - (q) the ^{M18}Competition Act 1998.
 - ^{F76}(r) Part I of the Transport Act 2000.]
 - ^{F77}(s) the Enterprise Act 2002]
 - ^{F78}(t) the Communications Act 2003.]
 - ^{F79}(u) the Railways Act 2005.]
 - ^{F80}(v) the Business Protection from Misleading Marketing Regulations 2008;
 - (w) the Consumer Protection from Unfair Trading Regulations 2008.]
 - ^{F81}(x) the Consumers, Estate Agents and Redress Act 2007.]
 - ^{F82}(x) Part 1 of the Civil Aviation Act 2012]
 - ^{F83}(y) the Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) Regulations (Northern Ireland) 2013.]
 - ^{F84}(y) Parts 3 and 4 of the Enterprise and Regulatory Reform Act 2013;]
 - ^{F85}(z) the Domestic Gas and Electricity (Tariff Cap) Act 2018.]
- ^{F86}(6A) If the Authority is making a decision whether to disclose information to [^{F87}a national regulatory authority of a member State] under subsection (4)(ga), the Authority must have regard in particular to whether there are arrangements in place for the provision of mutual assistance in relation to the disclosure of information.]
- (7) The Secretary of State may by order modify subsection (3), (4), (5) or (6).
- (8) Nothing in subsection (1) is to be construed either as limiting the matters which may be—
- (a) published under section ^{F88}... 35 of the 1986 Act or section [^{F89} 32J or]^{F88}... 48 of the 1989 Act;
 - (b) made public by the Authority as part of a notice under section 26; or
 - (c) included in, or made public as part of, a report of the Authority ^{F90}... or the [^{F91}Competition and Markets Authority] under any provision of this Act, Part I of the 1986 Act or Part I of the 1989 Act;
- or as applying to information which has been so published or has been made public as part of such a notice or such a report.
- (9) A person who discloses any information in contravention of this section is guilty of an offence and liable—

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- (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.

(10) In this section—

[^{F92}“EU REMIT” means Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency (OJ L 326, 8.12.2011, p.1–16), as it has effect in EU law as amended from time to time;]

[^{F93}“EU REMIT requirement” means a requirement imposed by any of Articles 3(1) and (5), 4(1), (2) and (3), 5, 8(1) and (5), 9(1), (4) and (5) and 15 of EU REMIT;]

“licence holder” means the holder of a gas licence or an electricity licence; and

[^{F94}“national regulatory authority” has the same meaning as in [^{F95}EU REMIT;]

“relevant activities”, in relation to a licence holder, means activities he is authorised by his licence to carry on (including, in the case of a gas transporter, the activities mentioned in section 7(1)(b) and (c) of the 1986 Act).

[^{F96}“REMIT” means Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency;

“the REMIT Regulations” means the Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) Regulations 2013;

“REMIT requirement” has the same meaning as in the REMIT Regulations[^{F97}];][^{F98}and

the reference to the Bank of England does not include the Bank acting in its capacity as the Prudential Regulation Authority.]

(11) Information obtained by the Authority in the exercise of functions which are exercisable concurrently with [^{F99}the Competition and Markets Authority] under Part I of the ^{M19}Competition Act 1998 is subject to [^{F100}Part 9 of the Enterprise Act 2002 (Information)] and not to subsections (1) to (10) of this section.

[^{F101}(11A) Nothing in this section applies to information within section 29(3) of the Consumers, Estate Agents and Redress Act 2007 (application of disclosure regime in Part 9 of the Enterprise Act 2002 to information obtained by [^{F102}Citizens Advice][^{F103}, Citizens Advice Scotland or Consumer Scotland]]].]

[^{F104}(11B) Nothing in this section applies to information to which section 105A applies.]

(12) The power to make an order under subsection (7) is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F29 Words in s. 105(1)(a) substituted (5.10.2004) by [Energy Act 2004 \(c. 20\)](#), **ss. 186(a)**, 198(2); [S.I. 2004/2575](#), [art. 2\(1\)](#), [Sch. 1](#)

F30 Words in s. 105(1)(a) omitted (26.1.2009) by virtue of [Energy Act 2008 \(c. 32\)](#), [s. 110\(2\)](#), **Sch. 5 para. 15(a)**; [S.I. 2009/45](#), [art. 2\(e\)\(iv\)](#)

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- F31** Words in s. 105(1)(a) inserted (26.1.2009) by Energy Act 2008 (c. 32), s. 110(2), **Sch. 5 para. 15(a)**; S.I. 2009/45, art. 2(e)(iv)
- F32** Words in s. 105(1) inserted (8.6.2010) by Energy Act 2010 (c. 27), s. 38(3), **Sch. para. 16(a)**
- F33** Words in s. 105(1)(a)(3)(a) inserted (18.2.2014) by Energy Act 2013 (c. 32), **ss. 52, 156(2)**
- F34** Words in s. 105(1)(a) inserted (19.7.2018) by Domestic Gas and Electricity (Tariff Cap) Act 2018 (c. 21), **ss. 11(4)(a), 13(2)**
- F35** Words in s. 105(3)(a) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 8(9)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F36** Words in s. 105(3)(a) inserted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 5(6)(a)** (with art. 5)
- F37** Words in s. 105(3)(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. 146(2)** (with art. 3)
- F38** Words in s. 105(3)(a) inserted (5.10.2004) by Energy Act 2004 (c. 20), **ss. 186(b), 198(2)**; S.I. 2004/2575, art. 2(1), **Sch. 1**
- F39** Words in s. 105(3)(a) inserted (26.1.2009) by Energy Act 2008 (c. 32), s. 110(2), **Sch. 5 para. 15(b)**; S.I. 2009/45, art. 2(e)(iv)
- F40** Words in s. 105(3)(a) omitted (12.2.2015) by virtue of Infrastructure Act 2015 (c. 7), **ss. 51(9)(a), 57(7)(d)**
- F41** Words in s. 105(3)(a) inserted (8.6.2010) by Energy Act 2010 (c. 27), s. 38(3), **Sch. para. 16(b)**
- F42** Words in s. 105(3)(a) inserted (1.7.2015) by The Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) (Amendment) Regulations 2015 (S.I. 2015/862), regs. 1(1), **5(a)**
- F43** S. 105(3)(aza) inserted (1.12.2017 for specified purposes, 1.10.2018 in so far as not already in force) by Scotland Act 2016 (c. 11), **ss. 60(13), 72(4)(d)**; S.I. 2017/1157, regs. 3(c), 5(b)
- F44** S. 105(3)(azb) inserted (1.7.2019) by The Utilities Act 2000 (Amendment of Section 105) Order 2019 (S.I. 2019/931), arts. 1, **2**
- F45** S. 105(3)(aa) inserted (12.2.2015) by Infrastructure Act 2015 (c. 7), **ss. 51(9)(b), 57(7)(d)**
- F46** S. 105(3)(ab) inserted (18.12.2011) by Energy Act 2011 (c. 16), s. 121(5)(a), **Sch. 1 para. 9**
- F47** S. 105(3)(ba) inserted (10.3.2020) by The Utilities Act 2000 (Amendment of Section 105) Order 2020 (S.I. 2020/106), arts. 1, **2(1)**
- F48** Words in s. 105(4)(b) omitted (1.4.2008) by virtue of Legislative Reform (Health and Safety Executive) Order 2008 (S.I. 2008/960), art. 1, **Sch. 3** (with art. 21, Sch. 2)
- F49** S. 105(4)(ba) inserted (1.4.2014) by The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014 (S.I. 2014/469), art. 1(2), **Sch. 2 para. 21** (with Sch. 4)
- F50** Words in s. 105(4)(c) omitted (3.7.2002) by virtue of S.I. 2002/1555, **art. 27(a)**
- F51** S. 105(4)(da)(db) inserted (3.7.2002) by S.I. 2002/1555, **art. 27(b)**
- F52** Words in s. 105(4)(da) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 18 para. 89** (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F53** Words in s. 105(4)(da) inserted (26.7.2013 for specified purposes, 1.4.2014 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(3)**
- F54** S. 105(4)(g)(i)(ii) substituted for words (10.3.2020) by The Utilities Act 2000 (Amendment of Section 105) Order 2020 (S.I. 2020/106), arts. 1, **2(2)**
- F55** S. 105(4)(ga) inserted (1.7.2015) by The Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) (Amendment) Regulations 2015 (S.I. 2015/862), regs. 1(1), **5(b)**
- F56** Words in s. 105(4)(ga) inserted (31.12.2020) by The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), **68(2)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F57** Words in s. 105(4)(ga) inserted (31.12.2020) by The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), **68(2)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F58** Words in s. 105(4)(h) substituted (31.12.2020) by The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), **68(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F59** Words in s. 105(5)(b) 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. 146(3)(a)** (with art. 3)
- F60** S. 105(5)(c) 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. 146(3)(b)** (with art. 3)
- F61** S. 105(5)(d) 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. 163(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, **arts. 3(2), 11**
- F62** S. 105(5)(e) substituted (1.4.2006) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 34(a)**; S.I. 2005/2714, art. 4(f)
- F63** S. 105(5)(f) substituted for s. 105(5)(f)(g) (1.7.2015) by The Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) (Amendment) Regulations 2015 (S.I. 2015/862), regs. 1(1), **5(c)**
- F64** Words in s. 105(5)(h) substituted (16.10.2015) by The Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), reg. 1(2), **Sch. para. 4(o)**
- F65** S. 105(5)(j) omitted (1.10.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 6 para. 22(11)**; S.I. 2015/1732, art. 2(e)(vi) (with art. 7)
- F66** Word in s. 105(5) repealed (1.10.2008) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), Sch. 7 para. 20(a), **Sch. 8**; S.I. 2008/2550, art. 2, Sch.
- F67** S. 105(5)(m) and word inserted (1.10.2008) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), **Sch. 7 para. 20(a)**; S.I. 2008/2550, art. 2, Sch.
- F68** Word in s. 105(5)(l) omitted (1.4.2014) by virtue of The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 8(9)(b)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F69** S. 105(5)(m)(n) substituted for s. 105(5)(m) (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 8(9)(b)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F70** Word in s. 105(5) omitted (13.1.2022) by virtue of The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 5(6)(b)** (with art. 5)
- F71** S. 105(o) and word inserted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 5(6)(c)** (with art. 5)
- F72** S. 105(6)(k) repealed (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 1, Sch. 2 para. 61(a), **Sch. 4 Pt. 1** (with reg. 28(2)(3))
- F73** Words in s. 105(6)(l) inserted (1.4.2004) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 34(b)**; S.I. 2004/641, art. 3(y), Sch. 2 (with Sch. 3 para. 7)
- F74** Words in s. 105(6)(l) added (N.I.) (1.4.2007) by The Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336), art. 1(2), **Sch. 12 para. 42** (with arts. 8(8), 121(3), 307); S.R. 2007/194, art. 2(2), Sch. Pt. 2 (with Sch. 2)
- F75** Words in s. 105(6)(l) inserted (31.3.2017) by The Water Act 2014 (Consequential Amendments etc.) Order 2017 (S.I. 2017/506), arts. 1(1), **12**
- F76** S. 105(6)(r) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. IV para. 25**
- F77** S. 105(6)(s) inserted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 43(3)(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.)
- F78** S. 105(6)(t) 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. 163(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, **arts. 3(2), 11**
- F79** S. 105(6)(u) inserted (8.6.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 12 para. 16**; S.I. 2005/1444, art. 2(1), Sch. 1

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- F80** S. 105(6)(v)(w) inserted (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 1, **Sch. 2 para. 61(b)** (with reg. 28(2)(3))
- F81** S. 105(6)(x) inserted (1.10.2008) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), **Sch. 7 para. 20(b)**; S.I. 2008/2550, art. 2, Sch.
- F82** S. 105(6)(x) inserted (6.4.2013) by Civil Aviation Act 2012 (c. 19), s. 110(1), **Sch. 9 para. 11** (with Sch. 10 paras. 12, 17); S.I. 2013/589, art. 2(3)
- F83** S. 105(6)(y) inserted (1.7.2015) by The Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) (Amendment) Regulations 2015 (S.I. 2015/862), regs. 1(1), **5(d)**
- F84** S. 105(6)(y) 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. 146(4)** (with art. 3)
- F85** S. 105(6)(z) inserted (19.7.2018) by Domestic Gas and Electricity (Tariff Cap) Act 2018 (c. 21), **ss. 11(4)(b), 13(2)**
- F86** S. 105(6A) inserted (1.7.2015) by The Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) (Amendment) Regulations 2015 (S.I. 2015/862), regs. 1(1), **5(e)**
- F87** Words in s. 105(6A) substituted (31.12.2020) by The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), **68(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F88** Words in s. 105(8)(a) repealed (1.10.2008) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), Sch. 7 para. 20(c)(i), **Sch. 8**; S.I. 2008/2550, art. 2, Sch.
- F89** Words in s. 105(8)(a) inserted (1.4.2009) by Energy Act 2008 (c. 32), s. 110(2), **Sch. 5 para. 15(c)**; S.I. 2009/45, art. 3(c)(i)
- F90** Words in s. 105(8)(c) repealed (1.10.2008) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), Sch. 7 para. 20(c)(ii), **Sch. 8**; S.I. 2008/2550, art. 2, Sch.
- F91** Words in s. 105(8)(c) 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. 146(5)** (with art. 3)
- F92** Words in s. 105(10) inserted (31.12.2020) by The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), **68(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F93** Words in s. 105(10) inserted (31.12.2020) by The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), **68(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F94** Words in s. 105(10) inserted (1.7.2015) by The Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) (Amendment) Regulations 2015 (S.I. 2015/862), regs. 1(1), **5(f)(i)**
- F95** Word in s. 105(10) inserted (31.12.2020) by The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), **68(4)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F96** Words in s. 105(10) inserted (1.7.2015) by The Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) (Amendment) Regulations 2015 (S.I. 2015/862), regs. 1(1), **5(f)(ii)**
- F97** Word in s. 105(10) substituted (1.3.2017) by The Bank of England and Financial Services (Consequential Amendments) Regulations 2017 (S.I. 2017/80), reg. 1, **Sch. para. 12**
- F98** Words in s. 105(10) inserted (1.3.2017) by The Bank of England and Financial Services (Consequential Amendments) Regulations 2017 (S.I. 2017/80), reg. 1, **Sch. para. 12**
- F99** Words in s. 105(11) 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. 146(6)** (with art. 3)
- F100** Words in s. 105(11) substituted (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 43(3)(c)(ii)**; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)
- F101** S. 105(11A) inserted (1.10.2008) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), **Sch. 7 para. 20(d)**; S.I. 2008/2550, art. 2, Sch.
- F102** Words in s. 105(11A) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 8(9)(c)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F103** Words in s. 105(11A) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 5(6)(d)** (with art. 5)

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F104 S. 105(11B) inserted (10.11.2011) by [The Electricity and Gas \(Internal Markets\) Regulations 2011 \(S.I. 2011/2704\)](#), regs. 1(1), **36(2)**

Modifications etc. (not altering text)

- C1** S. 105 restricted (31.10.2003) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), s. **115**; S.I. 2003/2681, art. 2(b)
- C2** S. 105(1) excluded (24.8.2004) by [Energy Act 2004 \(c. 20\)](#), ss. **140(4)**, 198(2); S.I. 2004/2184, art. 2(1), Sch. 1
- C3** S. 105(1) excluded (18.12.2013) by [Energy Act 2013 \(c. 32\)](#), ss. **33(3)**, 156(3)
- C4** S. 105(1) restricted (18.12.2013) by [Energy Act 2013 \(c. 32\)](#), s. 156(3), **Sch. 2 para. 10(4)(a)**
- C5** S. 105(4): disclosure powers extended (14.12.2001) by 2001 c. 24, ss. 17, 127(2)(a), **Sch. 4 Pt. 1 para. 52**
- C6** S. 105(6) modified (8.2.2007) by [Wireless Telegraphy \(Pre-Consolidation Amendments\) Order 2006 \(S.I. 2006/1391\)](#), art. 1, **Sch. para. 7(3)(g)**

Commencement Information

- I2** S. 105(1)-(7)(8)(a)(c)(9)-(12) in force at 7.11.2000 by S.I. 2000/2974, art. 2, **Sch.**(subject to transitional provisions in arts. 3-12); s. 105(8)(b) in force at 20.12.2000 by S.I. 2000/3343, art. 2, **Sch.**(subject to transitional provisions in arts. 3-15)

Marginal Citations

- M1** 1986 c. 45.
- M2** 1968 c. 29.
- M3** 1973 c. 41.
- M4** 1974 c. 39.
- M5** 1979 c. 38.
- M6** 1980 c. 21.
- M7** 1983 c. 44.
- M8** 1984 c. 12.
- M9** 1986 c. 31.
- M10** 1986 c. 45.
- M11** 1987 c. 43.
- M12** 1989 c. 15.
- M13** 1991 c. 56.
- M14** S.I. 1992/231 (N.I.1).
- M15** 1993 c. 43.
- M16** 1994 c. 21.
- M17** S.I. 1996/275 (N.I.2).
- M18** 1998 c. 41.
- M19** 1998 c. 41.

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