



# Wireless Telegraphy Act 2006

## 2006 CHAPTER 36

### PART 6

#### GENERAL

##### *Disclosure of information*

#### **111 General restrictions**

- (1) Information with respect to a particular business which has been obtained in exercise of a power conferred by this Act is not, so long as that business continues to be carried on, to be disclosed without the consent of the person for the time being carrying on that business.
- (2) Subsection (1) has effect subject to the following provisions of this section.
- (3) Subsection (1) does not apply to any disclosure of information which is made—
  - (a) for the purpose of facilitating the carrying out by OFCOM of any of their functions;
  - (b) for the purpose of facilitating the carrying out by any relevant person of any relevant function;
  - (c) for the purpose of facilitating the carrying out by the Comptroller and Auditor General of any of his functions;
  - (d) for any of the purposes specified in section 17(2)(a) to (d) of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (criminal proceedings and investigations);
  - (e) for the purpose of any civil proceedings brought under or because of this Act or any of the enactments or instruments mentioned in subsection (6); or
  - (f) for the purpose of securing compliance with an international obligation of the United Kingdom.
- (4) The following are relevant persons—
  - (a) a Minister of the Crown and the Treasury;

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- (b) the Scottish Executive;
  - (c) a Northern Ireland department;
  - (d) the [<sup>F1</sup>Competition and Markets Authority];
  - <sup>F2</sup>(e) .....
  - (f) the Consumer Panel;
  - (g) the Welsh Authority;
  - (h) a local weights and measures authority in Great Britain;
  - (i) any other person specified for the purposes of this subsection in an order made by the Secretary of State.
- (5) The following are relevant functions—
- (a) any function conferred by or under this Act;
  - (b) any function conferred by or under any enactment or instrument mentioned in subsection (6);
  - (c) any other function specified for the purposes of this subsection in an order made by the Secretary of State.
- (6) The enactments and instruments referred to in subsections (3) and (5) are—
- <sup>F3</sup>(a) .....
  - (b) the Trade Descriptions Act 1968 (c. 29);
  - (c) the Fair Trading Act 1973 (c. 41);
  - (d) the Consumer Credit Act 1974 (c. 39);
  - (e) the Competition Act 1980 (c. 21);
  - (f) the Telecommunications Act 1984 (c. 12);
  - (g) the Consumer Protection Act 1987 (c. 43);
  - (h) the Broadcasting Act 1990 (c. 42);
  - (i) the Broadcasting Act 1996 (c. 55);
  - (j) the Competition Act 1998 (c. 41);
  - (k) the Enterprise Act 2002 (c. 40);
  - (l) the Communications Act 2003 (c. 21);
  - (m) the Consumer Protection (Northern Ireland) Order 1987 (S.I. 1987/2049 (N.I. 20));
  - [<sup>F4</sup>(n) the Business Protection from Misleading Marketing Regulations 2008;
  - (o) the Consumer Protection from Unfair Trading Regulations 2008.]
  - [<sup>F5</sup>(p) Parts 3 and 4 of the Enterprise and Regulatory Reform Act 2013.]
- (7) Nothing in this section—
- (a) limits the matters that may be published under section 15, 26 or 390 of the Communications Act 2003;
  - (b) limits the matters that may be included in, or made public as part of, a report made by OFCOM because of a provision of the Office of Communications Act 2002 (c. 11) or the Communications Act 2003;
  - (c) prevents the disclosure of anything for the purposes of a report of legal proceedings in which it has been publicly disclosed;
  - (d) applies to information that has been published or made public as mentioned in paragraphs (a) to (c).
- (8) Section 18 of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (restriction on disclosure of information for overseas purposes) has effect in relation to a disclosure

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because of subsection (3)(d) as it has effect in relation to a disclosure in exercise of a power to which section 17 of that Act applies.

- (9) A person commits an offence if he discloses information in contravention of this section.
- (10) A person who commits an offence under subsection (9) is 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.
- (11) No order is to be made containing provision authorised by subsection (4) or (5) unless a draft of the order has been laid before Parliament and approved by a resolution of each House.
- (12) In this section—
- “the Consumer Panel” means the panel established under section 16 of the Communications Act 2003 (c. 21);
  - “enactment” has the same meaning as in the Communications Act 2003;
  - “legal proceedings” means civil or criminal proceedings in or before any court, or proceedings before any tribunal established by or under any enactment;
  - “the Welsh Authority” means the authority whose name is, by virtue of section 56(1) of the Broadcasting Act 1990 (c. 42), Sianel Pedwar Cymru.

#### Textual Amendments

- F1** Words in s. 111(4)(d) 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. 171\(2\)\(i\)](#) (with art. 3)
- F2** S. 111(4)(e) 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. 171\(2\)\(ii\)](#) (with art. 3)
- F3** S. 111(6)(a) repealed (25.6.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(2), [Sch. 21 para. 2](#)
- F4** S. 111(6)(n)(o) substituted (26.5.2008) for s. 111(6)(n) by [The Consumer Protection from Unfair Trading Regulations 2008 \(S.I. 2008/1277\)](#), reg. 1, [Sch. 2 para. 74](#) (with reg. 28(2)(3))
- F5** S. 111(6)(p) 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. 171\(3\)](#) (with art. 3)

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**Changes to legislation:**

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