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STATUTORY INSTRUMENTS

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**1991 No. 1620**

**The Construction Products Regulations 1991**

**PART IV**

**MISCELLANEOUS AND SUPPLEMENTAL**

**Restrictions on the disclosure of information**

**25.**—(1) Subject to the following provisions of this regulation, a person shall be guilty of an offence if he discloses any information—

- (a) which was obtained by him in consequence of its being given to any person in compliance with any requirement imposed by these Regulations;
- (b) which consists in a secret manufacturing process or a trade secret and was obtained by him in consequence of the inclusion of the information—
  - (i) in written or oral representations made for the purpose of Part I or Part II of Schedule 4; or
  - (ii) in a statement of a witness in connection with any such oral representations;
- (c) which was obtained by him in consequence of the exercise by the Secretary of State of the power conferred on him by regulation 14;
- (d) which was obtained by him in consequence of the exercise by any person or any power conferred by Part III; or
- (e) which was disclosed to or through him under regulation 24.

(2) Paragraph (1) above shall not apply to a disclosure of information if the information is publicised information or the disclosure is made—

- (a) for the purpose of facilitating the exercise of a relevant person's functions under these Regulations;
- (b) for the purpose of facilitating the exercise of a relevant person's enforcement or regulatory functions under any enactment or subordinate legislation (whether passed or made before or after the making of these Regulations);
- (c) for the purposes of compliance with a Community obligation; or
- (d) in connection with the investigation of any criminal offence or for the purposes of any civil or criminal proceedings.

(3) In paragraph (2)(b) above the reference to a person's functions shall include a reference to any function of making, amending or revoking any regulations or order.

(4) A person guilty of an offence under this regulation shall be liable—

- (a) on summary conviction, to a fine not exceeding level 5 on the standard scale;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

(5) In this regulation—

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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“publicised information” means any information which has been disclosed in any civil or criminal proceedings or is or has been required to be contained in a warning published in pursuance of a notice to warn; and

“relevant person” means any of the following, that is to say—

- (a) a Minister of the Crown, Government department or Northern Ireland department;
- (b) any weights and measures authority or any district council in Northern Ireland;
- (c) any other person on whom enforcement or regulatory functions are conferred by or under any enactment.